

FINAL

JAMAICA JUSTICE SYSTEM REFORM POLICY AGENDA FRAMEWORK

PREPARED

FOR THE MINISTRY OF JUSTICE

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ACRONYMS

ADR	Alternative Dispute Resolution
CARICOM	The Member States of the Caribbean Community
CBO	Community Based Organisation
CDB	Caribbean Development Bank
CGCED	Caribbean Group for Cooperation in Economic Development
CIDA	Canadian International Development Agency
CSJP	IDB Citizen Security and Justice Project
DFID	British Department for International Development
DPP	Director of Public Prosecutions
ECSC	Eastern Caribbean Supreme Court
EU	European Union
FINSAC	Financial Sector Adjustment Company
GOJ	Government of Jamaica
IDB	Inter-American Development Bank
IDP	International Development Partners
JCF	Jamaica Constabulary Force
JEMS	Judicial Enforcement Management System
JSPRMC	Justice System Policy Review and Monitoring Committee
JUST	CIDA Justice Undertakings for Social Transformation Project
MTEF	Medium Term Economic Framework
NGO	Non-Governmental Organisation
OECS	Organisation of Eastern Caribbean States
PIOJ	Planning Institute of Jamaica

PSOJ	Private Sector Organisation of Jamaica
RM	Resident Magistrate
SDC	Social Development Commission
UNDP	United Nations Development Programme
UTECH	University of Technology
UWI	University of the West Indies
WB	World Bank

Executive Summary

While the World Bank has classified Jamaica as a “country in green”¹ with respect to the likelihood of achieving its Millennium Development Goals,² the country is still at risk of becoming a crisis country unless urgent action is taken to address its Rule of Law deficits. As was stated in Jamaica’s National Security Strategy, “the rule of law is at risk.”³ The severe breakdown in the Rule of Law has resulted in a continued high level of crime and violence for a sustained period of time. The estimated cost of crime in Jamaica is at least 4% of Gross Development Product including lost production, health expenses and public and private spending on security.⁴ Indeed, it can be persuasively argued that the sustained high crime and violence are major obstacles to sustainable development⁵ and that the situation has worsened significantly in recent years. In 2005, Jamaica had the highest recorded per capita murder rate in the world.⁶ The death rate from violence in Jamaica is higher than in many high intensity violent conflicts and exceeds the standard international definition of a war or high intensity conflict as “violence characterized by fatality rates of over 1000/year.”⁷ In the year 2007 alone, 1,574 people were murdered⁸ and up to December 29, 2008, over 1,600 persons were murdered.⁹ This high level of violence takes its toll on the justice system in such critical organisational areas as the Courts, the Ministry of Justice, the Jamaica Constabulary Force and the Department of Corrections. All of these institutions are struggling under massive workloads caused respectively by the high number of criminal cases, police investigations and arrests and the high numbers of persons being incarcerated.

The Government of Jamaica has identified justice as a priority issue in its national development planning. The Government commissioned a comprehensive Jamaica Justice System Task Force Reform Study¹⁰ and the Task

¹ http://www.developmentgoals.org/Achieving_the_Goals_.htm

² 189 countries at the Millennium Summit held in 2000 adopted the Millennium Development Goals and targets. They represent a partnership between developed and developing countries determined, as the declaration states, “to create an environment-at the national and global levels alike- which is conducive to development and the elimination of poverty.”

³ National Security Strategy for Jamaica 2005, page 6.

⁴ Jamaica, the Road to Sustained Growth, World Bank, 2004.

⁵ In Governance and Social Justice in Caribbean States (2000), Dr. David Dollar of the World Bank states that, “if Jamaica were to improve its Rule of Law measure to the level found in the Bahamas, St. Lucia, or Trinidad and Tobago, it could expect about 50% more foreign investment, about 2 percentage points higher growth”

⁶ The homicide rate in Jamaica rose from 36 to 58 per 100,000 from 2003 to 2005. ‘Crime, Violence and Development Trends, Costs, and Policy Options in the Caribbean,’ Report No.37820, UNODC/World Bank, March 2007, page 8.

⁷ “Conflict Vulnerability Analysis, Issues, Tools and Responses” USAID, 1999, page 3

⁸ Jamaica Constabulary Force Statistics Department.

⁹ Jamaica Daily Observer, December 29, 2008, page 4.

¹⁰ The Jamaica Justice System Reform Task Force was established by the Government of Jamaica to undertake a comprehensive review of the state of the justice system and to develop strategies and mechanisms to facilitate its reform.

Force produced a final report in June 2007. A wide range of contemplated legislative interventions that will have an impact on the justice system is in train at this time. Some of these legislative interventions are:

- Coroners (Amendment) Bill
- Corruption Prevention (Special Prosecutor) Bill
- Independent Investigative Commission
- The Jury (Amendment) Bill
- The Bail (Amendment) Act
- The Bail (Interim Provisions for Specified Offences) Act; and
- The Offences Against the Person (Amendment) Act

All stakeholders agree that if ongoing and proposed justice system transformation interventions were better coordinated, their impact would be increased. With this in mind, it is proposed that coordination among those International Development Partners in Jamaica that have a justice improvement mandate plays a critical role in the successful implementation of the contents of the Justice System Reform Policy Agenda Framework (the Framework) that is the subject of this consultancy. By focusing its attention at the outset on International Development Partner and national coordination, the Government of Jamaica has a real opportunity to effect sustainable changes to the justice system over the proposed five-year period of the Framework.

With regard to the stakeholders consulted¹¹ during the course of the preparation of the Framework, the following clear justice system transformation agenda priorities emerged:

- Improving the time taken to dispose of cases through the courts and the reduction of court case backlogs.
- Strengthening the police and correctional services in those areas which directly contribute to the efficient reduction of current criminal case backlogs in both the Supreme Court and Resident Magistrates Courts.
- Strengthening of the Office of the Director of Public Prosecutions to enable it to function more efficiently and enabling it to more easily determine which cases need not be proceeded with in the courts. A strengthened Office of the Director of Public Prosecutions would also facilitate an active case backlog reduction process.
- Ensuring those changes in the law which would ensure that the citizens are subject to laws which are up to date and which keep pace with 21st century realities.
- Improving court infrastructure and automation.

¹¹ See Annex F to this Framework for stakeholders consulted.

- Implementing a social component to the delivery of justice reform; and
- Strengthening the trust and confidence of the citizens of Jamaica in their justice system.

The proposed Framework has seven output areas with a number of key activities identified for implementation in the short, medium and long terms. These seven output areas are:

1. Fair and Timely Case Resolution.

2. Improved Access to Justice.

3. A strong Judiciary and Workforce.

4. Strengthened linkages between justice sector institutions.
5. Establishing a sound court infrastructure.
6. Implementing a social component to the delivery of justice; and
7. Strengthened public trust and confidence.

The Framework describes the priority activities under each of its seven Output areas. These have been sorted in tabular form by year of implementation. The identification of these priority activities was based on the detailed findings of the June 2007 Jamaica Justice System Reform Task Force Final Report, the National Security Strategy of Jamaica, the National Development Plan of Jamaica, the Government of Jamaica's Medium Term Social and Economic Policy Framework, Ministry Paper #56 entitled Government at your Service-Public Sector Modernisation Vision and Strategy 2002-2012, Roadmap to a Safe and Secure Jamaica, Jamaica 2015, the other documents appearing in the Annex G Bibliography, as well as personal consultation with key stakeholders who were asked to provide inputs into a number of these documents. Key stakeholders were asked how, if at all, their justice system improvement priorities had changed between June 2007, when the latest of these documents, the Jamaica Justice System Reform Task Force Report was finalised, and November 2008 when the Framework was being written.

Fair and timely case resolution is the Courts' core mission. It is therefore the first strategic issue in the Agenda. The Courts in Jamaica are committed to ensuring fairness, due process and equal protection for all users. At the same time, the Courts recognise the truth in the statement, "justice delayed is justice denied" and are committed to resolving cases expeditiously. A major initiative proposed under this Framework is the implementation of time standards for case disposition, appropriate to their type and complexity, across all operating divisions of the Courts. The Courts will strive to balance the dual goals of fairness and timeliness by

monitoring and reporting to the public on the effectiveness and impact of time standards on the quality of case outcomes.

Access to Justice is an increasingly complex and important strategic issue for the Courts. The economic disparity between higher-income residents, often well educated, and low-income residents with little job security or prospects, presents challenges for the Courts in providing equal access to justice. Improved access to justice must be available to all members of communities in Jamaica. Courts must therefore continually strive to identify and eliminate barriers to access, assist personnel in understanding persons with different needs, and provide appropriate information and services to ensure accessibility. The aim is a justice system that is accessible to all, regardless of socio-economic status, gender or ethnicity.

A strong judiciary and workforce are vital to the Courts' ability to administer justice effectively. Jamaica is fortunate in having a judiciary that is recognised as fair, ethical and independent. The Courts recognise the importance of continuing education to prepare the judiciary and its personnel to deliver justice in a constantly changing environment. The Framework envisages a workforce in the Courts which reflects the diversity of Jamaica's communities and a work environment which promotes high achievement and job satisfaction.

Strengthened linkages between justice sector institutions recognises that fair and timely resolution of cases in the courts are very dependent on how efficiently or otherwise the other arms of the justice system, such as the Jamaica Constabulary Force and Department of Correctional Services, are performing. Accordingly therefore, the Framework makes specific implementation recommendations for the Jamaica Constabulary Force and Department of Correctional Services. When implemented, these recommendations will have positive effects on fair and timely administration of justice.

Establishing a sound court infrastructure is based on the belief that Courts must maintain a sound infrastructure that supports effective operations. Facilities must be habitable, functional and accessible, and technology must be leveraged to maximise staff productivity and public access. The Framework highlights the need for continued investment in technology to expand public access to court records, court reporting and an improved jury management system.

Implementing a social component to the delivery of justice gives recognition to the reality that the solutions to crime and violence, and the consequential spillover of persons into the justice system for processing, have to be strategic and multi-faceted. Successful case backlog reduction and the reduction of crime and violence outcomes cannot be realized only through reform activities in the Courts, the Jamaica Constabulary Force and the Correctional Services. Instead, heavy reliance should also be placed on those social preventative measures that can be instituted prior to people ending up before justice institutions and even when these institutions process them, ensuring that appropriate measures are taken to ensure that persons emerge from the process better from the experience.¹²

Strengthened Public Trust and Confidence in the justice system is essential in maintaining an orderly democratic society. As an example, people must have confidence that judges resolve cases fairly and impartially, without external influence. To ensure independent judicial decision-making, the Courts must make certain that the judicial branch is separate and independent from the executive and legislative branches which respectively control funding and legislation that may have an impact on the Courts. The situation was well analyzed by a former Chief Justice of the ECSC when he said,¹³

“For years, the issue of court administration has been in the hands of persons, not members of the judiciary. Although the Chief Justice in some jurisdictions has been styled “administrative head,” the actual control of funding and provision of goods and services lay elsewhere. This situation in no small way contributed to stagnation, administrative sluggishness and genuine inefficiencies in the administration of justice. Judicial independence was therefore compromised by delays, inefficiencies and ineffectiveness of the justice system. The judicial system therefore needs to be managed so as to ensure that it fulfills its responsibility as an arm of the Government to provide justice to all in society. The point is that we have to abandon the attitude of inertia that has characterized our lot. We must become involved with and in the administrative aspect of the delivery of our product and not abdicate that function to those (others).”

The author notes that the Legislature has promulgated legislation which seeks to establish a Court Management Service in which the Chief Justice will have greater autonomy in deciding financial allocations for the court

¹² The present Prime Minister of Jamaica established such a group on May 14, 2008 at a meeting held at Jamaica House. The group is comprised of representatives of the Ministry of National Security, the Jamaica Constabulary Force, the Jamaica Defence Force, the Planning Institute of Jamaica and the National Centre for Youth Development. The Social Development Commission, Ministry of Finance and the Public Service, Peace Management Initiative, Kingston Restoration Company and Rev. Al Miller, comprise the remainder of the core group. The Minister of Education chairs the core group and reports to the Prime Minister.

¹³ Sir Dennis Byron, in his speech entitled, “Techniques of Judges: Maintaining Independence.”

system and having budgetary allocations to the court system approved directly by Parliament. A Framework strategy is increased outreach to the citizenry to enhance operations and public accountability and to ensure the public's acceptance and input into proposed changes to the justice system.

The Framework explicitly recognises that the priority improvements recommended for implementation over a five year period are unlikely to be financed solely by the Government of Jamaica having regard to its other financial demands as well as the prevailing stringent financial conditions being experienced in Jamaica and most of its development partners in the worldwide economic arena. Accordingly, the Framework recommends that, wherever possible, justice system recommendations be also financed through justice system development financing which might be available from the private sector and Jamaica's International Development Partners such as CIDA, the EU, DFID, UNDP, WB and the IDB. An attempt has been made in the Framework to align identified implementation priority recommendations with the funding available from Government, private sector and IDP sources. This IDP alignment would be in accordance with the Monterrey Consensus on Financing for Development which recognises that achieving the internationally agreed development goals, including those contained in the Millennium Declaration, demands a new partnership between developed and developing countries. As part of this Consensus, countries committed themselves to sound policies, good governance at all levels, and the rule of law. By supporting this essential element of the Monterrey Consensus, the Government of Jamaica will be supporting its own achievement of the Millennium Development Goals.

The Framework envisages a phased approach to implementation over a five year period. Year one will focus on building trust and confidence among all stakeholders, primarily on delivering on Outputs 1, 2, 3 and 6 above. The initial focus on policy development, capacity development and coordination will provide a strong foundation for future activities implementation. Years two and three will see a programmatic shift from facilitation and coordination to supporting strong implementation of the policies and strategies developed in year one. Years 4 and 5 will largely be focused on consolidating the policy, strategic and implementation gains made through years one to three. Proposed implementation of activities will engage a wide spectrum of stakeholders ranging from the Government of Jamaica, the Courts, the Jamaica Constabulary Force, the Department of Correctional Services, the private sector, civil society, including the Jamaican Diaspora in countries such as Canada, the United States and the United Kingdom, and International Development Partners such as CIDA, the EU, DFID, UNDP, WB, CDB and the IDB. Implementation of all Framework activities will be highly cognisant of the need to ensure their financial sustainability over time. This sustainability can be

achieved by focusing on capacity development, the revision of user fees, the more effective collection of outstanding fines and the performance of relevant cost/benefit analyses prior to the selection of critical development options. Paying attention to any gender implications attendant to the implementation of activities is also considered a crucial aspect of sustainability.

An effective Monitoring and Evaluation (M&E) regime is an important prerequisite to the success of Framework implementation and all the stakeholders identified in the Framework form a critical part of the monitoring and evaluation mosaic. One of the key elements of successful M&E over the life of Framework implementation is the proposed formation of a Justice System Policy Review and Monitoring Committee. This committee will be a part of a wider Justice System Reform Implementation Unit located in the Ministry of Justice which will be headed by a full-time Director who reports to the Permanent Secretary and has direct communication linkages with the Minister of Justice and Attorney General as well as a High Advisory Council to the Minister. The JSPRMC will provide strategic and policy level monitoring of Framework recommendations. It will be comprised of a wide variety of senior representatives of state and non-state actors such as the Ministry of Justice, High Advisory Council to the Minister of Justice and Attorney General, the Judiciary, the Ministry of National Security, the Jamaica Constabulary Force, the Department of Correctional Services, the Office of the DPP, the private sector, relevant civil society groups, the Children's Advocate and the Child Development Agency. Another critical M&E linchpin is a Technical Secretariat and change management teams which will be responsible for overseeing M&E on a daily basis through the instrumentalities of flexible monitoring indicators and suitable monitoring instruments. The test of whether the Framework has delivered on its purpose will be its assessment against realistic performance indicators. These will include measures of public perception of the justice sector; Jamaica's ranking in international rule of law/investment climate indices; and objective reports from independent bodies (e.g. Human Rights Organisations). The Framework therefore incorporates a monitoring and evaluation component as part of its contents.

In conclusion, as was stated in "Jamaica 2015,"¹⁴

"One of the major challenges that a policy review faces in Jamaica is to over-come a general skepticism about this kind of exercise. This is built on a common perception (built on experience) that however good the analysis may be – nothing much will happen in the end. It is reasonable to

¹⁴ "A framework and action plan for improving effectiveness, collaboration and accountability in the delivery of social policy", page 9.

conclude – on the basis of experience- that our problem in Jamaica does not consist of a lack of capacity for analysis, but rather an inability to find ways and means of translating intentions into effective action.”

It is hoped that the relevant persons in authority will indeed find ways to translate the intentions of the Framework into effective action, utilising the intervention opportunities that have been embodied in its contents.¹⁵

¹⁵ See Annex D for a S.W.O.T. analysis that identifies these opportunities.

Introduction and Background

Over the years many studies of the Jamaican Justice System have been undertaken. These studies have been commissioned by the Government of Jamaica as well as by various members of the International Development Partners, the judiciary, Bar Associations and Universities. The studies have contained numerous recommendations on reform actions that can be undertaken which would result in a stronger, more equitable justice system that is more able to respond to and service the needs of its users. These studies include: The National Task Force on Crime (Wolfe Report), 1993, Delays in the Justice System by David Batts of the Jamaica Bar Association (1994), The National Committee on Political Tribalism (1997), the Ministry of National Security and Justice Strategic Performance Review (1998), the Police Executive Research Forum (PERF) Report on Violent Crime and Murder Reduction in Kingston (2001), the West Kingston Commission of Enquiry (2002) and the Report of the National Committee on Crime and Violence (2002). The National Committee on Crime and Violence offered the following fifteen recommendations as providing potential starting points for a broad-based, non-partisan consensus for action:

1. The political leadership in the country must recommit to a set of values and a code of conduct consistent with the vision of a safe, peaceful, and prosperous Jamaica.
2. Inculcate proper values and attitudes in the youth of Jamaica.
3. Strengthen parenting skills.
4. Empower communities to effectively participate in the judicial process.
5. Leverage positive school/community relationship to address the problem of crime and violence.
6. Empower communities to plan their best possible future and to solve their problems.
7. Re-establish/strengthen legitimate leadership within communities and break the cycle of political patronage.
8. Give troubled communities a fresh start (e.g. bring the private sector into active partnership with communities, network communities to combine strengths and avert a split into two societies).
9. Reduce the existing number of guns and stop the flow of guns into the country.
10. Improve police effectiveness and community/ police relationship through a reform of the Jamaica Constabulary Force and more effective policing.

11. Utilise reformed gang leaders in the fight against crime and violence.
12. Develop special legislation to address acts of terrorism.
13. Empower inner city communities and residents by introducing affirmative action in employment, housing and general infrastructure.
14. Reduce political tribalism by appointing a political ombudsman, establish a code of political conduct, develop job descriptions for parliamentarians, and eliminate persons with questionable backgrounds and connections from representational politics.
15. Enhancing the Police Services Commission by re-examining the current structure and regulations that govern it.

As noted by one of the social science academic commentators at the University of the West Indies, many of the proposed reforms did not take into account the political, financial and human resource contexts within which they would have to be implemented in Jamaica. These limiting factors, he argues, “help explain why typically most administrations have tended to respond to the crime problem with symbolic measures aimed at assuaging the fears and momentary emotions of the citizenry during crime waves rather than deliberately substantive measures.”¹⁶ Despite this statement however, there are considerable avenues for successful programming, including those that involve strengthening legitimate leadership in the communities and supporting the development of community-based crime prevention initiatives, particularly as they relate to youth crime prevention.¹⁷

The Jamaica Justice System Reform Task Force Report is the latest study commissioned by the Government of Jamaica and is wide-ranging in scope. The Task Force undertook a “comprehensive review of the state of the justice system and to develop strategies and mechanisms to facilitate its modernization so that it is better able to meet the current and future needs of Jamaicans.”¹⁸ The Government of Jamaica has now expressed the wish that the numerous justice system reform recommendations identified in the Justice System Reform Task Force Report be placed in order of time-phased priorities with an identification of the probable cost of implementation. The purpose of this assignment is to conduct in-country assessments and provide

¹⁶ Controlling the Jamaican Crime Problem: Peace Building and Community Action, Anthony Harriott (2000), page 17.

¹⁷ Programming Opportunities in the Justice and Security Sectors in the Caribbean, 2004, Yvon Dandurand, Vivienne Chin, Curt Griffiths, Mark Lalonde, Ruth Montgomery, Brian Tkachuk, CIDA, page 125.

¹⁸ Final Report of the Jamaican Justice System Reform Task Force, June 2007, page 1.

recommendations on those legal system reforms that can be feasibly implemented in the Jamaican justice system over a period of time and ascertain the costs of implementing the recommendations proposed. The recommendations provided will feed into a Cabinet submission by the Ministry of Justice. The Cabinet submission will contain specific design and implementation recommendations for approval. A single consultant who has extensive experience in the design of legal system interventions nationally and internationally is undertaking the consultancy assignment over a ninety-day period.¹⁹ The consultant interacted extensively with the Minister of Justice and Attorney General, the High Advisory Council to the Minister of Justice and Attorney General, the Permanent Secretary in the Ministry of Justice, the Senior Justice Reform Coordinator to the Ministry of Justice, the private sector, Non-Governmental Organisations and justice system specialists and experts, in achieving the objectives identified in his consultancy Terms of Reference.

Approach and Data Gathering Methodology

The Jamaican Justice System Reform Task Force Final Report provides wide-ranging discussions and recommendations on the steps that could be taken to improve Jamaica's justice system. Among the major and systemic problems identified in the Report are:²⁰

- (a) The [slow] speed with which disputes are resolved in the courts;
- (b) The affordability of dispute resolution in the courts;
- (c) [Lack of] public understanding of the work of the courts and the system as a whole;
- (d) Lack of public confidence in the system;
- (e) Lack of sufficient user orientation;
- (f) Complexity and inflexibility;
- (g) The impact of traditional approaches to justice which limit needed innovation;
- (h) Inadequate management tools and resources; and
- (i) Insufficient accountability and transparency.

The consultant has reviewed the Report findings, as well as numerous reports which have been produced over the years on various aspects of justice system reforms, with a view to the development of a time-phased action plan, including costings, which can be used by the Ministry of Justice for its future design and implementation of justice sector transformation initiatives in the short, medium and long terms.

¹⁹ See CV of consultant in Annex H.

²⁰ Final Report of the Jamaican Justice System Reform Task Force, June 2007, page 15.

The consultant has undertaken:

- Document reviews and analyses.
- Meetings with stakeholder representatives from Ministries of Government, the Judiciary, the University of the West Indies and the University of Technology, the private sector, Non-Governmental Organisations, Bar Associations, Lay Magistrates, the Justice Training Institute, the Jamaica Constabulary Force, the Correctional Service and donor organisations that are interested in contributing to the advancement of the Jamaican Justice Sector; and
- Presented his findings and recommendations in the form of a detailed Framework.

Document Review and Analysis

Document reviews provided the consultant with background, baseline and reporting information. The consultant reviewed the files of relevant organisations on the state of specific aspects of the legal system in Jamaica, project reports, evaluations, baseline studies and other relevant information. The consultant also reviewed other relevant documents identified in the course of the consultancy, including those originating from International Development Partners that are interested in the justice system strengthening and reform areas.

Stakeholder Meetings

Stakeholders with whom meetings were arranged were individuals or representatives of organisations that had a direct or indirect relationship in the conceptualization, drafting and implementation of policies that are intended to enhance the delivery of justice in Jamaica. The stakeholder meetings allowed persons who have knowledge of the findings of the numerous justice system reform reports to provide comments to the consultant on what justice system recommendations are critical for implementation and provide some notion of what are the timelines in which recommended changes could be realistically effected and their likely cost. Additionally, the critical socio-economic and other issues that might have a future negative or positive effect on the rate of implementation of identified justice system reform priorities were ascertained. Stakeholder views were taken into account in the formulation of recommendations made to the Ministry of Justice on the interventions most likely to achieve a positive transformation of the Jamaican justice system.

Presentation of findings and recommendations

The findings and recommendations of the consultant have been provided to the Ministry of Justice and members of the High Advisory Council in a Draft Consultancy Report that will be reviewed and comments provided by

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these individuals to the consultant over the course of seven working days. After comments are received, the consultant will finalise the draft report over a seven working day period. Both Draft and Final Reports will be presented in an easily readable format with the inclusion of precise sub-headings for each category of issue being discussed. The text is interspersed with tabular presentations that are reader-friendly and easily understood by the ordinary reader. A number of specific observations are accompanied by relevant footnotes that will aid the reader.

Gender Considerations

In recent years, there have been a number of research and policy initiatives to ensure that gender equality issues are addressed in governance transformation and reform initiatives. As the legal system is a critical component of the whole governance structure in Jamaica, it is necessary to identify to the Ministry of Justice any gender issues that could potentially advance or retard the implementation of Framework recommendations.

Consultations with International Development Partners

During the course of the consultancy exercise it was determined to be critical to meet with those International Development Partners that have, or are contemplating, the provision of financial and technical assistance to the proposed Ministry of Justice Framework. In particular, it was necessary to consult with CIDA, the EU, UNDP, USAID, DFID and IDB on what their likely assistance levels to Framework objectives will be and at what points in time this assistance will be provided.

Interview/meeting protocols

In general, stakeholder interviews served to:

- Facilitate consultation with national justice sector actors in order to confirm their perceptions of the recommendations made by the Jamaica Justice System Reform Report and what, if any, additions or subtractions from the study recommendations might be necessary to ensure optimum implementation of identified recommendations.
- More deeply probe issues not adequately addressed in the Report.
- Corroborate/triangulate information contained in the Report.
- Identify additional sources of information.
- Clarify issues arising from the Report.

- Ascertain the continued intent to participate in justice reform assistance on the part of the International Development Partners in specific areas.
- Identify information on the costs attendant on recommending implementation of recommendations in specific areas; and
- Identify lessons learned which could usefully inform Framework recommendations that will be made to the Ministry of Justice and through it to the Cabinet of Jamaica.

Some interviews and follow-up discussions took place via telephone or E-mail in those situations where critical stakeholders were unavailable for direct individual interviews. Face-to-face interviews were however the consultant's preferred method of operation. In order to facilitate free and frank discussion and sharing of information, the consultant undertook to maintain the confidentiality of the responses of interviewees. While persons interviewed are/will be listed in the Draft and Final Consultancy Reports, the reports will not attribute specific comments to them. A list of interviewees is presented in Annex F to the Framework, and includes:

- Minister of Justice and Attorney General.
- High Advisory Council to Minister of Justice and Attorney General.
- Permanent Secretary, Ministry of Justice
- The Judiciary.
- Court Support Personnel.
- Bar Associations.
- Director of Public Prosecutions.
- The Office of the Prime Minister.
- The Jamaica Constabulary Force.
- Department of Correctional Services.
- Ministry of National Security.
- Non-Governmental Organisations involved in legal system development issues.
- University of the West Indies and The University of Technology.
- Norman Manley Law School.
- The General Legal Council.
- International Development Partners.

It is expected that the approach proposed above will satisfy the Ministry of Justice's requirements contained in the consultancy Terms of Reference that the consultant:

“Develop an integrated and cohesive Justice Policy Framework that will guide the Justice Transformation Agenda” and “Prepare a comprehensive strategic policy framework that weaves together the various elements of the Justice Transformation Agenda.”

Justice Transformation Policy Agenda Framework
Ministry of Justice, Jamaica

The Mission of the Courts in Jamaica is to:

- Protect Rights and Liberties.
- Uphold and Interpret the Law.
- Resolve Disputes Peacefully, Fairly and Effectively.

The Courts embrace the following ideals in performing their mission:

- The Courts will be accessible to all persons.
- The Courts will treat all persons fairly, courteously and respectfully.
- The Courts will be responsible stewards of public resources, operating effectively, efficiently and openly.
- The Courts will resolve individual cases based on the merits and the rule of law.
- The Courts will be impartial, free of bias, and rigorous in ensuring due process and equal protection under the law.

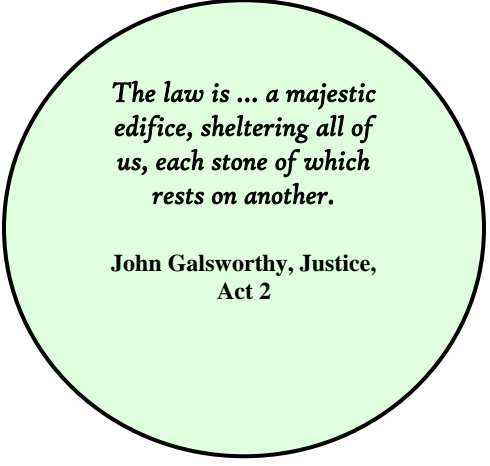
When looked at in a more holistic manner, the wider justice system encompassing the Courts, the Jamaica Constabulary Force and the Department of Correctional Services, can be said to have a wider **Goal** which is to provide:

Safety, security and access to justice for all.

The **Purpose** of this Policy Agenda Framework is:

To deliver a justice system that is more trusted, accessible and accountable and works together with the private sector and civil society to deliver all necessary services efficiently and effectively.

The Framework purpose reflects the fact that improvements in the justice sector have been ongoing for some time, but there is need for a more consolidated and focused effort to achieve a real impact on service delivery.



The law is ... a majestic edifice, sheltering all of us, each stone of which rests on another.

**John Galsworthy, Justice,
Act 2**

This can of course be best achieved if all the institutions in the sector work together in a coordinated fashion to deliver the Framework purpose.

The Framework outputs define the specific changes or results that it is designed to accomplish. They were designed to address sector-wide policy challenges. Each of the proposed seven Framework outputs is described below, along with its detailed Output Activities.

Strategic Issue 1

Output 1: Fair and Timely Case Resolution

Fair and impartial court processes are essential to the just resolution of disputes. We must ensure that cases are resolved on the merits in accordance with the rule of law, while providing due process and equal protection. Court proceedings and treatment of litigants and accused persons must be free of bias as well as the appearance of bias. At the same time, courts must resolve cases in a timely manner and avoid undue delay. The effective administration of justice requires a careful balancing of the goals of fairness and timeliness.

Goal 1.1

The Courts in Jamaica will resolve cases fairly and impartially, without regard to race, ethnicity, gender, age, economic status or mental or physical disability.

Strategy 1.1.1

Institute the necessary strategies, policies and legislation which will result in the reduction of the backlog of civil and criminal cases in the Supreme Court and Resident Magistrate Courts.

Strategy 1.1.2

Establish diversity training for judicial officers and court personnel. This training should foster understanding and respect for all people.

Strategy 1.1.3

Ensure that jury pools reflect the characteristics of the various communities in Jamaica.

Strategy 1.1.4

Enhance the quality and availability of legal representation for indigent parties.

Strategy 1.1.5

Use time standards, alternative dispute resolution, and best practices to manage cases.

Strategy 1.1.6

Implement case scheduling practices to minimise delays for court participants.

Strategy 1.1.7

Ensure that the necessary legal underpinnings for restorative justice are in place to support judges who wish to order convicted persons to compensate the victims of their criminal acts.

Strategy 1.1.8

Ensure that the adjudication time of judges and resident magistrates is effectively used.

Output 1 Activities:

- Initiate a Backlog Reduction Demonstration Project in the Supreme Court²¹ and at least one Resident Magistrate Court. In particular, three additional Judges should be employed as soon as possible by the proposed Court Management Service to be dedicated to backlog reduction activities in the Supreme Court. It is recommended that alternative courtroom space be identified for the conduct of Supreme Court civil cases, with the existing civil case courtrooms being converted to criminal case courtrooms. Civil case trials will now take place in the new space identified. As part of the backlog demonstration project in the Supreme Court, it is recommended that the existing Dispute Resolution Foundation be provided with five additional rooms²² to conduct automatic referrals to mediation in Supreme Court cases. Present estimates are that if the DRF could utilise forty mediators, once per week each, the existing civil case backlogs in the Supreme Court could be whittled down considerably. A case backlog demonstration project as envisaged here would also need to incur expenses with relation to (a) obtaining the services of three additional secretaries, and (b) making overtime payments to at least six court reporters.²³
- Establish a regional Supreme Court which would be responsible for trying criminal and civil cases in some of the Western Regions (Montego Bay, Trelawny and Hanover) of Jamaica.²⁴
- With regard to the Coroners Courts,²⁵ which have huge case backlogs,²⁶ contract the services of additional magistrates as coroners, dedicated full-time to backlog reduction. These persons should be deployed throughout all the Coroners Courts in Jamaica with a specific focus on the Kingston Coroners Court which has the largest case backlogs. It is the consultant's opinion that this activity can be undertaken prior to the formal legislative establishment by the Government of Jamaica of the proposed Office of the Special Coroner.²⁷ Closely allied to the Coroner's Court backlog reduction effort should be the implementation of an

²¹ For these purposes, the Supreme Court is defined as consisting of the Supreme Court and its branches, the Gun Court, the Revenue Court and the Commercial Court.

²² At present the DRF has five rooms available for daily mediations that limits to ten the number of mediations that can be completed each day.

²³ The Government of Jamaica should consider the possibility of utilizing shorthand writers located elsewhere in the Public Service (e.g. The Office of the Services Commissions, The Ministry of Labour) in the Courts, on an as-needed basis, in order to reduce overtime payments made to court reporters.

²⁴ Section 30 of the Judicature (Supreme Court) Act of Jamaica states that "The Supreme Court shall ordinarily hold its sittings in Kingston, but subject to the provisions of this Act, and to rules of court, the Court and the Judges thereof may sit and act at any time, and at any place for the transaction of any part of the business of the Court or of such Judges." This Act seems to allow an extension of the courts' services into other areas outside of Kingston and if it does not, should be appropriately amended to do so.

²⁵ A Coroner is a RM who tries cases in each parish under the Coroner's Act. The RM is automatically designated the Coroner in whatever parish she/he is assigned for work. The Coroner undertakes duties in other courts as well as the Coroners' Court. In Kingston and Saint Andrew, the RM and Coroner's roles are separated and the Coroner for these two parishes has duties specific only to the Coroners' Court and is the only Coroner to sit full-time.

²⁶ See "The Jamaica Justice Report, 2007-2008" published by Jamaicans for Justice. This report states that "there are nearly 4000 backlogged cases before Coroners' Courts and the caseload increases by approximately 350- 400 each year."

²⁷ The Coroners (Amendment) Act 2008, which established the Office of the Special Coroner, was passed by the Jamaican Senate on December 5, 2008. "This office is mandated to deal specifically with inquests arising from incidents where persons have died and there is reasonable cause to suspect either violent or unnatural death, sudden death, the cause is unknown and the security forces or agents of the state are involved with a view to bring about a speedy resolution," Minister of Justice and Attorney General, Senator Dorothy Lightbourne, who piloted the Bill, explained.

automated Coroner's Case Management system, initially in the Kingston Coroners Court, which would facilitate the electronic capturing of information relating to forensic and pathologist reports, including digital photography and document scanning, inquest proceedings and report and statistics generation including death certificates.²⁸

- Strengthen the Office of the DPP²⁹ through the provision of technical assistance to train staff and technology to computerise³⁰ its service delivery capabilities.
- Ensure that the Office of the DPP computerisation interventions specifically make provision for the integration of its computer system with the Courts. An integration of the type envisioned here would involve the sharing of a common calendar between the Office of the DPP, the Supreme Court and the Court of Appeal. This calendar would allow the recording and display of court appointments, including location and personnel. Changes made by one entity such as the availability of a court or judge would automatically be made available to the other entities.³¹
- Provide additional computer-based audio and text recording facilities in the Court of Appeal and Supreme Court to allow realtime production of testimonies and submissions. Such an intervention will likely have a salutary effect on the reduction of case backlogs throughout the court system as judges, lawyers and the citizen users of the court will have current information to rapidly decide whether to access further court services or have proceedings terminated without being too prolonged. Currently, the Supreme Court has four courtrooms with court reporting facilities for criminal cases. This technology needs to be provided to all eight criminal courtrooms in the Supreme Court. When sufficient courtroom space is identified by the Government of Jamaica, it is recommended that the existing civil case courtrooms in the Supreme Court be converted to criminal case courtrooms, with civil case trials being removed to the new space identified. Such an arrangement will ensure that criminal case backlog reduction initiatives for the Supreme Court are conducted totally within the confines of the existing building. When civil cases start being tried in the alternate location(s) identified, it is recommended that court reporting facilities be part of these courts also.³²
- The Chief Justice to persuade all judicial officers to strictly adhere to those provisions of the Civil Procedure Rules which govern the timely resolution of civil cases. In particular, the circumstances in which adjournments are to be granted to prosecution and defence counsel are to be given particular attention with a

²⁸ The Coroner's Courts backlog reduction efforts will also be greatly supplemented by the proposed legislation recommended for passage below to widen the pool of existing jurors by narrowing the exemptions to jury service. The 2007-2008 Jamaicans for Justice Report in speaking of the Coroners Courts stated "There has been a failure to empanel new jurors for cases due to inefficiencies in the system, which has led to the advent of 'professional jurors' – jurors who serve frequently and repetitively on multiple cases for the purpose of being the beneficiaries of a stipend."

²⁹ This strengthening process should take place in full accordance with the recommendations of the CIDA-funded "Observations on Criminal Prosecution in Jamaica" report compiled by Messrs. Serge Lortie and Stephen Zaluski of the Canadian Department of Justice. At the time of writing this Framework, the Jamaican Cabinet was discussing the contents of this report.

³⁰ It should be mentioned here that in the DPP context "computerisation" is largely referring to the completion of preliminary works that will allow for the introduction of Prosecuting Attorney's Software, which is specifically designed to enhance the technological capabilities of prosecution offices. The computer hardware was acquired by the DPP's office some time ago.

³¹ Once Cabinet has approved the CIDA-funded report on "Observations on Criminal Prosecution in Jamaica," the necessary detailed analyses of the ODPP should be undertaken. As was recommended on page 3 of the report, "The first step following approval in whole or in part of this report's suggestions would therefore be a detailed analysis and justification of human resources and financial needs."

³² It is recommended that the budget of the proposed Court Services Agency meets this expense as well as related expenses such as the establishment of a separate civil court registry, which might also be needed to efficiently implement this initiative.

view to attaining fewer adjournments in the Courts over the medium term. It is recommended that a database be developed by the proposed Court Management Service which electronically records the reasons for delay or adjournments of both civil and criminal cases in the Supreme Court and RM Courts. This information would be used by the Chief Justice, judges and magistrates in the court system to inform strategic planning to better utilise court facilities as well as ensure that judicial time is being used most effectively.

- Strengthen the judgement-writing process of Supreme Court Judges by providing them with Judicial Clerks as is presently the case for Judges in the Court of Appeal. The Court of Appeal presently has two judicial clerks whose research capabilities and ability to provide the structure of a written judgement to its six judges for the various cases being written by them, have proven to be of inestimable value in enabling their provision of written judgments in a timely fashion. It is suggested that similar benefits could accrue to the twenty six judges of the Supreme Court if they could be provided with the services of judicial clerks. While the provision of one judicial clerk per judge would be an ideal ratio, for budgetary purposes it is recommended that one judicial clerk for every two judges be contemplated at this time. This would mean that an additional judicial clerk would be provided to the Court of Appeal and thirteen judicial clerks would be made available for the twenty six judges of the Supreme Court.³³
- Provide for the computerisation of, and online access to, transcripts, notes of evidence and judgments.
- Expand the Justice Training Institute to train existing Court staff as well as those required to operate new procedures and systems which are installed in the courts to reduce case backlogs. This expansion should contemplate the utilisation of Jamaican private sector assistance in the provision of linkages to such renowned training organisations as the Commonwealth of Learning which is well advanced in the provision of specialised training opportunities using the services of the Internet.
- Obtain local computerisation expertise to establish an automated juror management system within the Supreme Court Registry. As the Criminal Division of the Supreme Court has no automated means to select jurors or manage the human or financial aspects of jury duty, the responsibility for selecting jurors for all trial cases rests in the hands of a single person. The present reality of some persons being selected for jury duty more than once within a year will continue unless the current manual selection of a jurors from a paper-based electoral list, and now from the Tax Registration Number Register, is replaced by an electronic system.
- In order to widen the available pool of jurors, it is recommended that the exemption categories under the existing jury legislation be examined with a view to narrowing the circumstances where exemption from jury service can be claimed. In order to ensure that this wider availability of jurors does not impose a higher administrative overhead on the Supreme Court Registry, it is recommended that forms presently used by

³³ It should be noted here that in a December 4, 2008 statement in a forum jointly convened by the Inter American Commission on Human Rights, Jamaicans For Justice and the Ministry of Justice, the Minister of Justice and Attorney General, Senator Dorothy Lightbourne, indicated that it was the intention of the Government to increase the complement of Court of Appeal Judges from six to twelve and the Supreme Court Judges from twenty six to forty. It is expected that, subject to existing budget realities, the number of judicial clerks will be correspondingly enlarged when these changes to the judicial complement of both Courts take place over time.

jurors such as medical forms be converted to Web-based forms which prospective jurors or jurors can retrieve from the Internet and print using their own resources.³⁴

- Retention of additional Masters in the Supreme Court.
- Develop a staggered schedule to reduce waiting time for court participants and enhance court processing efficiency.
- With regard to the Attorney General's Chambers, which has a backlog of civil law cases (e.g. motor vehicle accidents), the initiative of having students of the Norman Manley Law School do their in-service training in the Chambers, which has been ongoing for many years, should be continued. These students gain valuable insight into all aspects of the work of the Chambers as they are assigned to nearly all of its Divisions over the period of their training. It is thought that this type of arrangement would be worthy of emulation in such areas as the Supreme Court Registry which has an ongoing need for legal expertise at a fairly high level of accomplishment to sustain its case management and other operations and make them more efficient.³⁵
- Expand Night Court activities in the RM Courts to all Parishes using the services of existing court staff as is presently being done at the May Pen RM Court.
- Approximately 90% of all cases coming into the justice system enter at the Resident Magistrates Courts level. In all the RM Courts the Magistrates take notes of the court proceedings by longhand, which considerably reduces the pace of court proceedings as proceedings can move no faster than the Magistrate can write. In the interest of speeding up case dispositions, and consequently reducing case backlogs, it is recommended that great priority and urgency be placed on ensuring that the RM Courts are equipped with court reporting facilities.
- Enlarge the utilisation of ADR in the Resident Magistrates Courts with particular reference to making it legally required for Resident Magistrates to automatically refer civil cases to mediation by third parties. In this regard, the Dispute Resolution Foundation³⁶ should be positioned to play as prominent a mediation role in the Resident Magistrates Courts as it does in the case of civil disputes in the Supreme Court. It is recommended that the existing Pilot RM Court in May Pen be a candidate of first choice for the rollout of mediation services in the RM Courts.
- Establish a functional case management system in the Resident Magistrate Courts. Prior to the consummation of this activity, the nature, scope and extent of the case backlogs in the RM Courts will need to be ascertained through the utilisation of a technical services consultant or consultants. The consultant or consultants should be required to recommend suitable case backlog reduction approaches, and their costs, as part of their Terms of Reference.



³⁴ This recommendation should be implemented in concert with the public education thrust described in Strategic Issue 7, as it is imperative that the wider citizenry understands what jury service is all about and how critical the efficient functioning of the jury system is to the effectiveness of the justice system.

³⁵ It is thought that with the recommended removal of reporting relationships by Court Administrators to the Deputy Registrar, that that individual might be willing to assume supervisory responsibilities for a limited number of students annually, under the overall supervision of the Registrar.








³⁶ At this time the Dispute Resolution Foundation is provided with an annual subvention from the Government of Jamaica in the amount of \$10 million.










- Improve the system of transporting prisoners to court in a timely fashion by transferring responsibility for transporting them from the JCF to the Department of Correctional Services. This approach will also free-up scarce police resources to undertake duties in areas of greater priority.
- Transfer the responsibility of guarding the courts from the JCF to the private sector. This change in the security profile of the courts should include both access to court buildings as well as access to individual chambers for judges and magistrates.












Output 1: Prioritised Activities ³⁷









Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Fair and Timely Case Resolution							
Technical assistance to review the structure of the court and advise the Chief Justice on the most appropriate institutional structure for the Court Management Service.	Establishment of Court Management Service.	<p>60 days @ the Jamaican dollar equivalent of US\$1,000 per day = \$5,100,000 - GOJ/EU/JUST</p> <p>Staffing (approximately 22 persons) = \$39,000,000 per year for 5 years = \$195,000,000</p> <p>Furnishings & technological infrastructure in the first year = \$33,000,000 - GOJ/EU</p>					
Establish a Backlog Reduction Demonstration Project in the Supreme Court.	Supreme Court criminal backlog reduction.	Three additional judges undertake case backlog reduction activities for 1 year @ \$4 million per annum each =					









³⁷ See Annex B for a summary of all Framework Output Costings.












Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
	Conduct wider criminal backlog reduction activities in the Supreme Court. (Three additional backlog reduction judges continue their activities in Years 2, 3, 4 & 5.)	\$12,000,000. - GOJ/EU Three additional judges continue backlog reduction activities over 4 years at \$4 million per annum each = \$48,000,000 - GOJ/EU 3 additional secretaries provide services to the backlog reduction process @ a cost of 500,000 each per year over a 5 year period = \$7,500,000 - GOJ/EU					
Utilisation of Coroners Case Management System in the Kingston Coroners Court.	Strengthen case backlog reduction process in the Kingston Coroners Court.	Installation and start-up of Coroner's Case Management hardware and software = \$3,000,000 - GOJ/EU					
Provide the Dispute Resolution Foundation with five additional rooms for the conduct of mediations.	Increase the capacity of the Dispute Resolution Foundation to conduct more daily mediations.	5 rooms @ \$3 million per room = \$15,000,000 - GOJ/EU					
Establish backlog reduction Demonstration Project in specified RM Court.	Initiate RM Court backlog reduction activities.	MOJ provides staff from its Strategic Planning, Planning Policy and Research Division over a six					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
(Existing Pilot RM Court in May Pen would be the candidate of first choice).		month period to ascertain the nature, scope and extent of case backlogs: \$2,000,000 - GOJ/EU					
Obtain technical assistance services to provide a plan for automatic case referral to ADR in the RM Courts.	RM Court backlog reduction	2 consultants for 40 days each @ J\$ equivalent of US\$1,000 per day = J\$ 6,240,000 - GOJ/EU					
Establish automatic referral to ADR in RM Courts.	Improve rate of case disposition in RM Courts.	No additional cost to Government.					
Continuation of court backlog reduction activities in RM Courts.	Reduce RM Court case backlogs.	Dependent on the extent of case backlogs as determined by 1 st year technical assistance study above.					
Provision of additional audio and text recording technology in the Supreme Court and Court of Appeal.	Enhancement of efficiency of operations of Supreme Court and Court of Appeal.	Estimated cost for both Supreme Court and Court of Appeal is \$6 million and \$3 million respectively = \$9,000,000 -GOJ/EU					
Supreme Court to enter into agreement with Norman Manley Law School for students to undertake their in-service training in the Supreme Court Registry.	Enlarging the pool of professional persons working in Supreme Court.	No additional cost to Government.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Undertake the planning and budgeting for the establishment of a regional Supreme Court in Western Jamaica.	Strategic Planning for establishment of additional Supreme Court.	Strategic planning consultant for 90 days at the J\$ equivalent of US\$1,000 per day = J\$7,650,000 - GOJ/EU					
Court Management Service retains the services of additional judges who would be deployed on a rotation basis to a newly established regional Supreme Court based in Montego Bay.	Provision of staffing for additional Supreme Court.	3 additional Judges @ \$10 million per annum each = \$120,000,000 1 Court Registrar @ \$2,000,000 per annum = \$8,000,000 - GOJ/EU					
							
Operationalise regional supreme court in the western part of Jamaica: (Which covers Montego Bay, Trelawny and Hanover).	Provide access to Supreme Court services in Western Jamaica.	Establish a Court Registry for the additional Supreme Court. Estimated cost = \$30,000,000 -GOJ/EU					
Director of Public Prosecutions provides for the deployment of the Deputy Director of Public Prosecutions to Montego Bay for a fixed period to supervise the work of Crown Counsel in a regional Supreme Court.	Strengthening of prosecutorial services in additional Supreme Court.	No additional cost to existing DPP budget provision.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Expand Night Court activities in the RM Courts to all parishes using the services of existing staff.	Provide greater access to RM Court services countrywide.	Costs subsumed under recurrent budget for staff of Magistrates Courts.					
Continue RM Night Courts activities.	Provide greater access to RM Court services countrywide.	Costs subsumed under recurrent budget staff of Magistrates Courts.					
The Law Reform Department examines existing jury legislation with a view to narrowing current exemptions to jury service.	Legal opinion on the drafting possibilities and requirements for amending existing jury legislation.	No additional cost to Government budget. - Cost subsumed under the budget of the Office of Parliamentary Counsel.					
Government of Jamaica enacts new juror legislation which narrows the categories of persons exempted from jury service.	An expansion of the number of persons available for jury service.	No additional cost to Government budget.					
Court Management Service establishes automated juror management system in Supreme Court Registry.	Juror selection takes place using an automated system and having a wider number of potential jurors to choose from.	Private sector provides the services of a computer consultant for 60 working days at the J\$ equivalent of US\$1,000 per working day = \$5,100,000. -PSOJ Automated Jury Management System = \$6,318,000 -GOJ/JUST/DFID					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Court Management Service establishes court reporting facilities in RM Courts.	Technological means are used to more efficiently transcribe court proceedings in RM Courts.	\$ 21,000,000 per court for 16 courts over the 5 year Framework strategy period = \$336,000,000. - Court Services Agency					
Conduct strengthening interventions, in the training and computerisation areas, in the Office of the DPP. Computerisation activities should ensure that there is integration between the office of the DPP and the Courts.	Strengthening the operation of the Office of the DPP.	See budget estimate in Output 4 Prioritised Activities Matrix below.					
Chief Justice persuades all judicial officers to more strictly adhere to those provisions of the CPR which govern timely resolution of civil cases.	Improvement in civil case resolution timeliness.	No budget implications for legislature.					
Retain the services of fourteen judicial clerks, one of whom will be deployed to the Court of Appeal and thirteen deployed to the Supreme Court.	Improve the speed at which written judgments are produced by the Court of Appeal and Supreme Court.	14 judicial clerks retained at \$ 2 million per annum each for an initial 4 year period = \$ 112,000,000 - GOJ/EU					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Expand the Justice Training Institute to enable it to more efficiently cater to its existing and new training clientele.	Strengthen Justice Training Institute training capabilities.	\$50,000,000 per year over each of 5 years = \$250,000,000 . This expenditure takes into account: Lecturer fees; payment to UWI School of Continuing Education for training space; curriculum development and training materials. - GOJ					
Transfer the responsibility of guarding the courts from the JCF to the private sector.	Free JCF personel for the conduct of more pressing work.	Private guard service firm hired by GOJ for 24 hour duty at all court houses over 5 year period = \$300,000,000 - GOJ					
Transfer responsibility for the transportation of prisoners to Court from the JCF to the Department of Correctional Services.	Releases JCF personnel to engage in more pressing work. Ensure more reliable transportation of prisoners to court.	No additional budget implications for the Ministry of Justice's budget. -Cost subsumed under Ministry of National Security budget.					

Strategic Issue 2

Output 2: Improved Access to Justice

Justice must be available to all members of communities in Jamaica. Courts must continually strive to identify and eliminate barriers to access, assist personnel in understanding persons with different needs, and provide appropriate information and services to ensure accessibility. The aim is a justice system that is accessible to all, regardless of socio-economic status, gender or ethnicity. The approach taken will be holistic, taking into account all aspects of the provision of justice.

Goal 2.1

The Jamaican Courts will promote access to justice for all persons.

Strategy 2.1.1

Under the general direction of the Chief Justice, the proposed Court Services Agency to regularly review court processes and services to identify and eliminate barriers to access.

Strategy 2.1.2

Enhance access to the Courts through satellite or community based service centres, videoconferencing, electronic filing and case information, and other means. In this regard the large pool³⁸ of existing Justices of the Peace throughout Jamaica³⁹ should be more effectively utilised under the auspices of an enlarged statutory jurisdiction which removes some of the simpler cases being tried by the Resident Magistrates Courts into the realm of the Justices of the Peace. Simple traffic offences are one such category of case that could be usefully transferred from the Resident Magistrates Courts.

Strategy 2.1.3

Conduct periodic training initiatives at the Justice Training Institute to ensure that judicial officers and court personnel understand the needs of persons who face or think that they face access barriers.

Strategy 2.1.4

Use technical assistance services to develop court forms and written materials that use language more easily understandable by the public.

Strategy 2.1.5

Enhance access for self-represented persons by providing pro se filing packets and offering on-site assistance in all operating court divisions.

³⁸ According to “Crime, Violence, Development: Trends, Costs and Policy Options in the Caribbean”, March 2007, the United Nations Office of Drugs and Crime and the Latin America and Caribbean Region of the World Bank estimate that there are roughly, 8,000 JP’s in Jamaica- pg.136.

³⁹ According to the Ministry of Justice, a Justice of the Peace (JP) is a person of unquestionable integrity who seeks to promote and protect the rights of the individual and helps to provide justice to persons in a particular community. Additionally, the JP serves as a justice in petty court sessions, attends juvenile court sessions, issues summonses, considers applications for bail, explains and signs legal documents, sits on licensing panels, and gives counsel/advice. Any Jamaican citizen that can speak and write English is eligible to become a JP. Any club/organisation/citizen can recommend someone to become a JP for a community. JPs are appointed by the Governor General on the recommendation of the Minister of Justice.

Strategy 2.1.6

Court Administrators collaborate with mental health advocates, the Norman Manley Law School and the UWI and UTECH law faculties to counsel cognitively impaired court users.

Output 2 Activities:


- Court Administrators convene focus groups with interested national organisations to explore ways to enhance access and services for court users.
- With regard to Court Administrators, the authority and reporting relationships of these persons in the Supreme Court should be elevated. At a minimum, these critical staff persons should report to the Director or Deputy Director of the proposed Court Management Service rather than the Deputy Registrar, as is the case at this time. This reporting relationship for the Court Administrators should also be so for those Court Administrators located in the RM Courts and who now report to the Senior RM.
- The Justice Training Institute to develop training programs for judges, magistrates and court staff that highlight potential access barriers for members of the public who have different economic and social realities. In order to effectively deliver on its establishment mandate, it is recommended that the Justice Training Institute's training delivery capacity be investigated with a view to strengthening any personnel limitations which might be present and which would inhibit its most efficient functioning. In this regard, the JTI should develop a strategic plan, which among other things, clearly articulates the remit of the Institute and identifies the resources required to enable it to identify, devise, deliver and/or arrange appropriate training courses for judicial officers that are both topic-specific and generally aimed, at enhancing efficiency and professionalism in the short, medium and long-terms. The strategic plan should take into account alternate modes of training course delivery which might be more efficient and remove the present necessity for all trainees to be placed in a classroom setting. The Commonwealth of Learning should be consulted in this area having regard to its demonstrated ability to provide training courses over the Internet in specialized areas.
- The proposed Court Management Service to utilise local technical assistance services to review and revise those court forms that are used most frequently by the members of the public with a view to their simplification in terms of language and presentation. An attempt should be made to rationalize the number of forms used by the public and the forms should be made available to the public via the Internet.
- The Ministry of Justice to strengthen the existing legal aid clinics in Kingston and Montego Bay in terms of enhancing the availability of attorneys willing to provide legal aid services on a pro bono basis as well as assuming Duty Counsel duties to provide legal aid to persons who have been arrested by the police but who are unable to afford the services of a private lawyer. The Director of the Norman Manley Law School should also be contacted with regard to strengthening and enlarging its compulsory legal aid clinic outreach activities beyond the confines of its immediate surroundings and into the wider Kingston Metropolitan Area.⁴⁰
- The Ministry of Justice to provide greater access to legal aid services through the provision of the services of a mobile legal aid clinic. This clinic would work closely with justice system planners to ensure that its

⁴⁰ It is realized that in order to implement this recommendation it will be necessary to hire two or three professional persons in the Norman Manley Law School who are seized solely with legal aid outreach responsibilities.

services are focused on supporting the proposed Community Justice Tribunals (Forums), which will be administered by Justices of the Peace, as well as the ten proposed Peace and Justice Centres which are recommended for establishment in “hot spot” communities.

- The proposed Court Management Service to expand internet availability of court information to enhance attorney and public access to information about the Supreme Court and RM Courts.
- Resident Magistrates to be encouraged, through the provision of comprehensive training at the Justice Training Institute, to more fully utilise community sentencing options in the less serious cases being tried in their Courts. Community sentencing options considered could include engagement on public works projects.⁴¹
- Government of Jamaica to legislatively provide for the removal of simple cases, such as minor traffic offences, from the purview of the Resident Magistrates Courts to that of the Justices of the Peace.
- The Ministry of Justice to work with the UNDP’s Jamaica Violence Prevention Peace and Sustainable Development Programme, which intends to support the establishment of Community Justice Tribunals,⁴² to ensure that Justices of the Peace can effectively utilise these fora for the resolution of local disputes. It is recommended that the name of the proposed Community Justice Tribunals be amended to “Community Justice Forum” to give recognition to the fact that Lay Magistrates are not exercising a judicial function in the court system and are not trained lawyers.









Output 2: Prioritised Activities ⁴³





Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Improved Access to Justice							
Court Administrators’ authority and reporting relationships elevated in Supreme Court and changed in the RM Courts.	Elevate standing of Court Administrators in the Supreme and change reporting relationship in the RM Courts.	No additional cost to Court Services Agency budget.					





⁴¹ The utilisation of community sentencing options becomes even more critical when it is viewed with regard to the estimated cost of J\$689,644.87 being spent annually by the correctional services on each of its existing 3,584 prison inmates--- See Sunday Observer, November 16, 2008, page 3.

⁴² The essence of the proposed Community Justice Tribunals (Forums) is that they would be used by Justices of the Peace to resolve disputes between citizens that do not involve criminal offences, and which are heard with the consent of the disputing parties. Settlements agreed upon would be enforceable by the Courts.

⁴³ See Annex B for a summary of all Framework Output Costings.

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Court Administrators convene focus groups with interested national organisations to explore ways to enhance access and services to court users.	Obtaining a more effective partnership between court administrators and users of the courts' services.	No additional cost to Court Services Agency budget.					
Develop a strategic plan for the JTI. JTI to develop training courses for judges, magistrates and court staff with regard to potential access barriers which members of the public might face. Courses also to be developed for RM's on community sentencing options.	Enhance the efficiency and effectiveness of the JTIs' services delivery.	Management consultant for 20 working days at the J\$ equivalent of US\$1,000 per day (inclusive of all expenses) = \$1,700,000 - GOJ					
Ministry of Justice contacts Norman Manley Law School with regard to strengthening its legal aid clinic outreach into the wider Kingston Metropolitan Area.	Increase legal aid services to the public.	No additional cost to Government of Jamaica.					
Ministry of Justice strengthens the legal aid clinics in Kingston and Montego Bay by making public overtures to the Bar	Increase legal aid services to the public.	No additional cost to Government of Jamaica.					

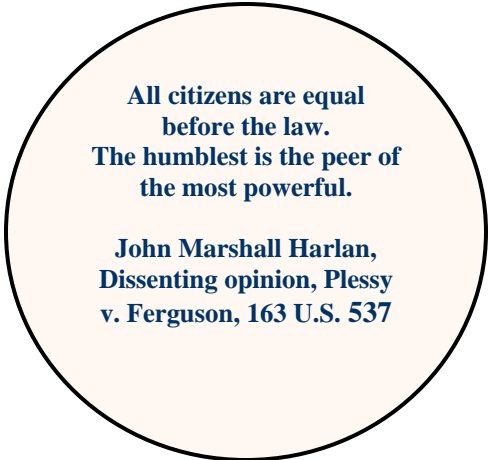
Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Associations and the Norman Manley Law School with respect to obtaining pro bono services of lawyers interested in providing legal aid services.							
Ministry of Justice commissions a mobile legal aid clinic into service.	Increase legal aid services to the public.	\$ 6 million for acquisition of mobile clinic = \$6,000,000 - GOJ					
Government of Jamaica's Office of Parliamentary Counsel to investigate the preparation of legislation to enable the trial of simple cases previously tried by RM's by Justices of the Peace.	Increase the utilisation of Justices of the Peace in the justice system.	No additional Ministry of Justice budget obligation: - Cost subsumed in Office of Parliamentary Counsel budget.					
Post Civil Procedure Rules online to assist attorneys and parties conducting court business.	Increase access to most current Civil Procedure Rules to interested parties.	No additional cost to Government of Jamaica. -JUST					
Ministry of Justice to work with UNDP's Jamaica Violence Prevention Peace and Sustainable Development Programme which intends to support the establishment of Community Justice	The creation of additional fora in which justice is delivered.	No additional cost to Government budget.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Tribunals in which Justices of the Peace can hear cases.							
Legislation enacted which removes the trial of simple cases from RM's to Justices of the Peace.	Enlarge the types of cases over which Justices of the Peace have jurisdiction.	No additional cost to Government of Jamaica.					
Justices of the Peace actively use Community Justice Tribunals [Forums] to hear non-criminal cases and are continuously being trained to do so by the Justice Training Institute.	Increase the level of training of Justices of the Peace.	Training cost subsumed under Justice Training Institute's budget. - JUST could also contribute to this activity under the terms of its present Work Breakdown Structure.					

Strategic Issue 3

Output 3: A Strong Judiciary and Workforce

The effective administration of justice depends upon a team of judicial officers and court personnel who are committed to public service and well-prepared to perform their duties. Continuing professional education and training is vital, as justice is administered in a constantly changing legal, technological and social environment. The workforce must be attuned to the diversity of the communities it serves in order to maintain the trust and confidence of the public.



**All citizens are equal
before the law.
The humblest is the peer of
the most powerful.**

**John Marshall Harlan,
Dissenting opinion, Plessy
v. Ferguson, 163 U.S. 537**

Goal 3.1

The Jamaican Courts will maintain a skilled and diverse workforce, and foster high achievement and job satisfaction.

Strategy 3.1.1

Provide training to judicial officers and court personnel which increases professional knowledge and skills and enhances job performance.

Strategy 3.1.2

Promote diversity by attracting and retaining personnel of different backgrounds and experiences.

Strategy 3.1.3

Implement programmes to enhance employee performance and satisfaction.

Strategy 3.1.4

Develop an organisational culture that fosters open communication and information-sharing among judges, managers and staff to enhance decision-making, teamwork and a cohesive work environment.

Strategy 3.1.5

Establish workforce planning and development planning initiatives to address future human capital needs.

Strategy 3.1.6

Having regard to the reality that approximately 90% of all cases going into the Jamaican court system are handled by the Resident Magistrates Courts, it would be sound policy to ensure that the Resident Magistrates who try these cases are insulated by law from any external pressures to decide cases in a particular way. The security of tenure of these Resident Magistrates needs to be enshrined into law on terms no less favourable to that group than those presently provided by the Constitution to the Judges of the higher courts. The retirement age of Resident Magistrates should also be increased to retain their services over longer periods of time.

Output 3 Activities:








- Justice Training Institute to expand Court employee training to include an introduction to the working of the entire court system and customer service.
- The Justice Training Institute should also be tasked with developing Human Rights Courses for Judges, Resident Magistrates, Office of the DPP staff and members of the Bar.
- It is recommended that a concerted attempt be made by the Chief Justice to develop a cadre of specialised judges in the Supreme Court through the utilisation of judicial exchange programs. Specialised judge development should start in the civil law areas.
- Continuing Legal Education for Judges, RM's and members of the Bar. With respect to the Judges, continuing education offerings should be arranged by the judges themselves and financial provision is to be made in the Courts' budget by the proposed Court Management Service for the involvement of judges from the Commonwealth and other relevant areas in the education programs. With regard to the RM's, continuing legal education offerings should be arranged by the Justice Training Institute, the Norman Manley Law School, and by the UTECH and UWI Law Faculties. The Justice Training Institute should develop continuing legal education programs in close collaboration with the various Bar Associations. When the programs are established, the attendance by attorneys in Continuing Legal Education courses is to be made a legal requirement for the annual renewal of legal practitioner certificates.
- Government of Jamaica should enlarge its budgetary provision to the justice system to enable the retention of a larger number of Resident Magistrates, Prosecutors and possibly, Court employees.
- The proposed Court Management Service to revamp the court employee performance appraisal system to recognise the need for court employees to provide highly efficient services to the public as an important determinant of their continued retention and upward progression in the system.
- The Court Management Service to establish a Human Resources Division to manage the human resources at all levels of the Court more professionally with the principal aim of maintaining the highest levels of efficiency and professionalism.
- Government of Jamaica should amend the Constitution to provide Resident Magistrates with those security of tenure protections which apply to the higher judiciary.⁴⁴ As part of the judiciary, these officers should be asked to manage Parish Courts of Justice which are located in those parts of the country within which most judicial work is being generated and forecasted to be generated.
- Pass the necessary legislation which changes the retirement age of Resident Magistrates from 60 to 65 years.









⁴⁴ Section 100 (4) states that "A Judge of the Supreme Court may be removed from office only for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of subsection (5) of this section."


Output 3: Prioritised Activities ⁴⁵

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
A Strong Judiciary and Workforce							
Justice Training Institute to expand court employee training programs to include introduction to the workings of the wider court system and customer service.	Expanded Justice Training Institute training programs for court employees.	One additional full-time lecturer @ \$1,500,000 per annum for 5 years = \$7,500,000 - GOJ					
Justice Training Institute to develop and deliver Human Rights Courses for Judges, RM's, Office of the DPP staff and members of the Bar.	Expanded Justice Training Institute training courses for Judges, RM's and Attorneys.	One additional full-time lecturer @ \$1,500,000 per annum for 5 years = \$7,500,000. - GOJ					
Justice Training Institute to work in close collaboration with the Bar Associations to establish and deliver continuing legal education programs for the Bar.	Establish and deliver Continuing Legal Education courses for the Bar.	Cost subsumed under the budget provision made above for an additional full-time JTI lecturer to develop Human Rights courses.					

⁴⁵ See Annex B for a summary of all Framework Output Costings.

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Government of Jamaica to consult with the Bar Associations to identify the parameters within which legislation can be enacted to make it mandatory for attorneys to attend Continuing Legal Education courses as a condition precedent to the renewal of annual practising certificates.	Linkage between participation in continuing legal education courses and Attorneys being able to renew practising certificates.	No additional cost implications for Government of Jamaica.					
Chief Justice to outline the parameters for the delivery of a judicial exchange programme to develop a specialised cadre of judges in the civil law areas.	Specialised training for Judges.	2 judges per year for 5 years @ the J\$ equivalent of US\$12,820 per judge = \$10,897,000 -Legislature					
The proposed Court Management Service to establish a Human Resources Division.	Court Management Service establishes Human Resources Division as part of its administration of the court system.	Cost subsumed under Court Management Service budget.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Government of Jamaica drafts and enacts legislation which provides that attorneys must undertake annual continuing legal education programs in order to obtain annual renewals of their practising certificates.	GOJ legislation on mandatory Continuing Legal Education for Attorneys.	No additional cost implications for Government.					
Amend Constitution to provide RM's with the same security of tenure protections as Judges.	Security of tenure of RM's strengthened.	No additional cost implications for Government.					
Government of Jamaica enacts legislation which changes the retirement age of RM's from 60 to 65 years.	Retirement age for RM's extended.	Additional cost implications in the form of a longer period of pension contributions on the part of the Government of Jamaica cannot be readily quantified.					
Judicial and Legal Services Commission retains the services of a larger number of Judges and RM.s.	Larger number of Judges and RM's retained in court system.	<p>4 Judges @ approx. 10 Million per year each = \$40,000,000 x 5 years = \$200,000,000</p> <p>5 RM's @ approx. \$4 million per year each = \$20,000,000 x 5 years = \$100,000,000</p> <p>3 Senior</p>					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Additional Prosecutors retained by the Office of the DPP.		Prosecutors retained directly by ODPP @ approx. \$8 million per year = \$24,000,000 x 5 years = \$120,000,000. Grand Total over 5 year period = \$320,000,000. - GOJ/ODPP					
Court Management Service revamps court employee performance appraisal system to recognise the need for court employees to provide highly efficient services to the public as a basis for upward mobility and retention.	Performance appraisal system for court employees revised in the interest of more efficient service delivery.	Subsumed within approved Court Services Agency budget.					

Strategic Issue 4:

Output 4: Strengthened linkages between justice sector institutions

The concern under this heading is to strengthen the systems and linkages between the institutions in the justice sector with a view to providing “joined up” justice. On the civil side for example, even if the Courts are working well in delivering judgments in a timely and efficient manner, for the user, justice is only delivered after that judgment is enforced. Delays and inefficiencies in the enforcement of judgments (for example through the Bailiff’s Department) will defeat the Framework’s purpose of ensuring efficient and effective delivery of justice. On the criminal side, if cases take so long to come to final resolution that witnesses can be compromised or killed and cases dissolve as a result, justice is not served and a heightened cynicism of the systems’ ability to ensure a just outcome can be expected from the citizens. In such an environment of cynicism, self-help initiatives on the part of citizens proliferate, leading to cases of vigilante justice.

Goal 4.1

Strengthen linkages between justice institutions from the “top down” and from the “bottom up.” Top down interventions will be concerned with sector-wide policy planning and resource allocation. This approach acknowledges that policy decisions affecting one institution in the sector can have a retarding effect on others. Key policy and resource allocation decisions in the sector need to be made on a sectoral basis. The clear focus is on service delivery with “users” being placed at the heart of the reform process.

Strategy 4.1.1

Introduce sector-wide policy leadership.

Develop justice system change management teams and coordinate change management methodologies across all relevant justice system organisations.

Strategy 4.1.2

Improve coordination between the Police, Magistrates, Office of the Director of Public Prosecutions, and Department of Correctional Service to ensure that cases are fully ready for trial before they are listed and that all necessary parties are available to participate.

Strategy 4.1.3

Enhance the coordination between judicial officers, the Dispute Resolution Foundation, Attorneys and general users of the Courts to ensure understanding of mediation and full preparation by each participating official for each case.

Strategy 4.1.4

Increase the training of existing staff, increase the staff complement and acquire more advanced technology for the Government Forensic Laboratory to enable it to more efficiently provide scientific evidence to be used by police and prosecutors in the Courts.

Strategy 4.1.5

Work closely with the Jamaican Bar Association and General Legal Council to obtain support for those justice system improvements which improve the effectiveness and efficiency of the justice system.

Strategy 4.1.6

Undertake “process mapping” techniques throughout the justice system with a view to the identification and elimination of wasteful procedures and the design of efficient and effective connected processes.

Output 4 Activities:

- Establish a Justice System Reform Implementation Unit in the Ministry of Justice.⁴⁶ The implementation unit would be the principal implementer of a holistic policy direction for the justice system. Headed by an in-house Director, the Unit would have direct and integrated linkages with other policy implementation units. This would particularly be the case with respect to the Ministry of National Security, Department of Correctional Services and the proposed Court Management Service. The Implementation Unit would be enabled in its efficient functioning through the addition of specialized staff such as program managers, researchers, computer equipment which is linked to the wider justice system, and office space in which to effectively discharge its mandate. It is recommended that this Implementation Unit also coordinate the Ministry’s proposed restorative justice policy that is identified for financial support by the UNDP’s Jamaica Violence Prevention Peace and Sustainable Development Programme.
- Establish a Court Management Service that transfers clearer responsibilities to the Chief Justice to manage the Courts’ administrative system in accordance with the separation of powers between the Legislative, Executive and Judicial branches of Government.
- Provide technical assistance services to the Office of the DPP that would enable it to develop a modernization plan, which provides a forecast of the totality of financial support that will be needed to implement all the modernization proposals developed by the Office of the DPP.
- Enlarge the number of legal counsel that are attached to the Office of the DPP by legislatively requiring that Clerks in the Resident Magistrates Courts report to the DPP only on prosecution matters. The Clerks would retain the ability to perform administrative duties for the Resident Magistrates until such time as Government of Jamaica funding enables the provision of Judicial Clerks to all Resident Magistrates.
- Ensure that the DPP’s Crown Counsel complement is sufficient in numbers to enable the deployment of staff members to homicide scenes to provide the police, at the beginning stages of cases, with the legal assistance required for the preparation of strong cases to be presented in court.

⁴⁶ This implementation unit would have strong links with the existing Ministry of Justice Strategic Planning Policy Research and Evaluation Unit (SPPRE). The SPPRE is responsible for the generation of operational (one year focus) and corporate (three year focus) plans for all the Departments and Divisions of the Ministry. The SPPRE has very little information systems support for its processes and does not have access to state of the art statistical tools. It relies on the use of spreadsheet applications for processing information for reporting.

- Computerise the office of the DPP and provide technical assistance to that office to enable the more expeditious preparation of its cases for prosecution.⁴⁷
- Strengthen the ability of the JCF to conduct identification parades in a timely and safe manner. With regard to safety, all identification parades are to be conducted using one-way mirrors that prevent the ready identification of witnesses. The adoption of this recommendation would be particularly beneficial to child witnesses and would prevent their intimidation through physical confrontation by alleged wrongdoers.
- Strengthen the Witness Protection Administrative Unit of the Jamaica Constabulary Force through the provision of additional trained personnel. These personnel are to have specific training in how to deal with child witnesses, as their needs are different from adult witnesses. A strengthened witness protection administrative unit should actively contemplate more cooperation with the CARICOM Secretariat with a view to its participation in the proposed Regional SWitness Protection Programme.
- In addition to strengthening the Witness Protection Administrative Unit above, it is recommended that the Government of Jamaica amend the existing Evidence Act to permit the giving of court testimony through the live videolink medium. The amendment of the Act would also significantly benefit child witnesses as the removal of the possibility of physical confrontation between the accused and young witnesses is likely to increase their willingness to testify in cases of violence and physical abuse.
- The JCF to videorecord all interviews in police stations with witness and accused persons in serious crimes such as Murder and Rape.
- Strengthen the technology of the Government Forensic Laboratory to enable it to function at optimum capacity and efficiency with respect to DNA and Fingerprint analyses. A comprehensive DNA database needs to be established which allows the reliable application of DNA technology to serious offences such as sexual offences.⁴⁸ The Laboratory also needs to have technology upgrades which allow it to specialise in firearms forensics and ballistic examinations. The private sector in Jamaica should be approached by the Government of Jamaica to ascertain whether there is any interest in the establishment of a private Forensic Laboratory. Such a private facility could be used by citizens, the Courts, etc. as a point of reference for second opinions and even initial referrals where needed. Whatever route is taken under this heading, the Forensic Laboratory capabilities should be brought up to such a high level that the laboratory's services can be viewed as a shared regional resource whose services will be paid for by other countries in the Caribbean to ensure its financial viability.

⁴⁷As was stated on page 225 of the Jamaican Justice System Reform Task Force, Final Report, 2007, "Linkages between the police and prosecution should be enhanced. Such linkages would permit the rapid preparation and transmission to the prosecutor of necessary police and forensic documentation and the rapid retrieval of prior criminal record information – both essential elements of the early phases of criminal case flow management. Police/Prosecution linkages would also maximize effectiveness and efficiency of police investigations by ensuring that police have timely access to competent and practical prosecutorial advice. The early involvement of public prosecutors is essential in complex investigations."

⁴⁸ It will be necessary for the Government of Jamaica to prepare for the utilization of the information contained in the database in the Courts by the passage of legislation which allows for the admission of this kind of evidence into the criminal justice system - See the comments made in this regard by the Minister of State in the Ministry of National Security, Senator Arthur Williams, in the December 28, 2008, Sunday Herald, page 11A.

- Strengthen the manpower needs of the Government of Jamaica's Forensic Laboratory⁴⁹ by the Government of Jamaica working with the University of Technology to encourage the University of Strathclyde in the United Kingdom to resuscitate its interest in establishing a training course for Forensic Laboratory Specialists in Jamaica. Such a move would ensure that the manpower assets of all forensic laboratories in Jamaica are trained to the highest possible standards.⁵⁰
- Eliminate the practice whereby forensic pathologists who perform post-mortems, and who are hired on four-year contracts of employment, are asked to conduct post mortems in the fourth year of these contracts when there is little likelihood that they will be able to personally conclude the post mortems in question.
- Establish a rule whereby all foreign forensic pathologists working in Jamaica are required to undergo a three-month period of supervision by personnel from the Medical Faculty at the University of the West Indies or the Jamaican Ministry of Health.
- The legal framework in Jamaica requires extensive law reform to bring the system into compliance with various human rights and international legal norms and standards. Specifically, changes are required to deal with new and emerging forms of crime, to adopt, with necessary modifications, the United Nations Rules for the Protection of Children Deprived of their Liberty, 1990, to make legislation gender neutral, change current sexual offences legislation that recognizes only male offenders and female victims in sex-related crimes, and to harmonize national legislation with international standards so as to facilitate internal cooperation in fighting various forms of transnational crime. In this regard it is recommended that a permanent Law Reform Commission be established to conduct a review of existing statutes and to make recommendations for changes. Offences that are no longer necessary or appropriate should be identified for repeal by the Government of Jamaica. As the law reform process will ultimately necessitate the drafting of new laws, it is also recommended that concurrent action be taken to strengthen the Office of Parliamentary Counsel by the specialized training of staff in legislative drafting in Commonwealth Countries and the provision of limited computer equipment to enable more efficient information exchanges between itself and the Law Reform Commission. With regard to training in the Commonwealth, the Commonwealth of Learning would be an important institution to canvass for the provision of appropriate staff training as it has in the past developed specialized legislative drafting training courses which can be obtained via the Internet, thus obviating the need for a limited staff complement to travel overseas for training for extended periods of time. Closely allied to the provision of legislative drafting training opportunities to the staff of the Office of the Parliamentary Counsel, is the necessity for staff to be trained in the various Ministries of Government in the precise preparation of drafting instructions to the legal draftspersons attached to the Office of the Parliamentary Counsel. The absence of precise drafting instructions is an important causative factor in legislation in many cases taking a longer than usual time to be prepared by the Office of the Parliamentary Counsel.⁵¹
- The heavy legislative drafting demands on the Office of the Parliamentary Counsel from all Government offices as well as the Office of the Prime Minister means that that office is not able to provide legislative

⁴⁹ Up to January 2007, there were four locally trained personnel to deal with the analysis of samples for the Government. This is an insufficient number to deal with the large amounts of samples associated with crime and unexplained deaths. Generally see "K. Walker, Forensic Lab in Shambles", Jamaica Observer, January 2007.


⁵⁰ It should be noted that a Forensic Laboratory is already in existence at the University of Technology.

⁵¹ In this regard, it should be noted that the proposed employment of a Parliamentary Counsel on the staff of Parliament should facilitate the more expeditious passage of legislation.






drafts with the expedition that it wishes. Accordingly therefore, it is recommended that the service of two experienced legislative draftspeople be provided from Commonwealth or regional sources to the Office of the Parliamentary Counsel for a one year period to enable it to catch up with any backlogs of drafting that it has, as well as keep current with its existing legislative drafting requests. This activity should be combined with the offering of four scholarships to four local Attorneys-at-Law who have the desire and aptitude to pursue the one-year Master of Laws Degree in Legislative Drafting at the Cave Hill Campus of the University of the West Indies in Barbados. Over the medium-term, the Government of Jamaica is advised to strengthen its linkages with the regional Caribbean Legislative Drafting Facility, which is being administered by the CARICOM Secretariat, with a view to availing itself of the services of a wider pool of legislative draftspeople whose services are available regionally. This liaison would be particularly valuable for those legislative drafting initiatives that are intended to achieve regional law harmonization objectives.









- Work closely with the Jamaican Bar Association and the General Legal Council with respect to the accomplishment of critical justice system improvements such as the establishment of Continuing Legal Education Programs for the Bar and strengthening the administrative apparatus of the General Legal Council which is authorised under the Legal Profession Act to regulate the conduct of Attorneys-at-Law and the general environment for the practice of law in Jamaica.
- Establish a cross-sectoral Efficiency Savings Team, which will publish semi-annual reports detailing justice sector efficiency savings achieved. This team will be comprised of the Permanent Secretaries of all line Ministries that are participating in the justice system reform effort, e.g. Ministry of Justice, Ministry of National Security, Ministry of Education, and Ministry of Health. The composition of the team will also include the Director of the proposed Court Management Service, the Director of Public Prosecutions, senior representatives from the Private Sector and senior representatives of Non-Government Organisations active in the justice reform area. The contents of the semi-annual reports will feed into the Government of Jamaica's annual budget preparation process for the justice system.










Output 4: Prioritised Activities ⁵²


Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Strengthened Linkages Between Justice Sector Institutions.							
Technical assistance to be provided to review the role, function and structure of the Ministry of Justice		No additional cost to the Government of Jamaica. To be funded from the Inception Phase of the JUST					

⁵² See Annex B for a summary of all Framework Output Costings.





Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establish a Justice Reform Implementation Unit in the Ministry of Justice.	Ministry of Justice has dedicated unit to supervise implementation of justice system policy reforms.	programme. \$300,000,000 (Over a five year period). - GOJ/JUST					











Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establish a Court Management Service.	New agency established to oversee the administrative management and funding of the court system.	\$360,000,000 (Over a five year period). - GOJ/EU					
Review the functioning of and provide technical assistance to the office of the DPP for the preparation of a modernization plan, which includes a financial forecast on all its recommended reforms.	Provide the basis on which to project the cost of implementing the identified improvements.	2 consultants for 60 working days each at the J\$ dollar equivalent of US\$1,000 per working day = \$10,200,000 GOJ/JUST/DF ID					
Office of Parliamentary Counsel to ascertain the parameters of legislation which will make Clerks of Court report to the DPP solely on matters relating to prosecutions.	Enlarge the cadre of lawyers available to the Office of the DPP.	No additional cost implications for Government of Jamaica. (Subsumed under existing budget for Office of Parliamentary Counsel).					
Computerise the office of the DPP.	Improve the efficiency of the Office of the DPP.	Prosecuting Attorney Software = \$19,500,000. Internet Portal = \$4,914,000 -GOJ/DFID					








Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Ministry of Justice establishes cross-sectoral Efficiency Savings Team.	Efficiency Team established to ensure that justice system entities operate in the most efficient manner.	No additional cost implications for Government of Jamaica.					
Ministry of Justice works closely with the Jamaican Bar Association and General Legal Council with respect to those reforms in the legal profession which they wish to undertake to support the wider justice reform process.	Jamaican Bar Association and General Legal Council undertake legal profession reform activities.	No direct funding implications for Government of Jamaica. It is likely that the Jamaican Bar Association and General Legal Council will make direct overtures for assistance to various representatives of International Development Partners in Jamaica e.g. -JUST					
Strengthen the existing Law Reform Department of the Ministry of Justice to give it a more autonomous role in the identification and recommendation of those laws which should be repealed or	Improve the law reform process in Jamaica.	Technical assistance to review the process of law-making and law-revision No additional cost to the Government of Jamaica. To be funded by CIDA's JUST programme.					


Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
enacted to harmonise national requirements with international human rights and other obligations.		<p>Computer equipment, user licensing fees, cabling in first year= \$21,000,000 -GOJ</p> <p>Access to legal databases such as Lexis/Nexis = \$2 million for 5 years =\$10,000,000</p> <p>Staff training: 2 persons per year for 5 years = \$20,000,000. GOJ/Private Sector</p>					
Review the structure and functioning of the Office of the Parliamentary Counsel with a view to identifying and recommending possible improvements.	Recommendations on structure and functioning of Office of Parliamentary Counsel.	No additional cost to the Government of Jamaica; to be funded through CIDA's JUST programme.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Strengthen the Office of the Parliamentary Counsel to provide staff with specialised legislative training opportunities in identified Commonwealth Countries. Strengthen the computerised linkage between the Office of the Parliamentary Counsel and the Law Reform Department to enable the more expeditious exchange of information between both these entities.	Improve the staff capabilities of the Office of the Parliamentary Counsel through training and technology.	<p>Training of three persons per year in both long and short-term local and international courses - \$4 million per year for 5 years = \$20,000,000</p> <p>Computer equipment, user license fees and cabling = \$21,000,000. GOJ/Private Sector</p>	✓	✓	✓	✓	✓
Provide the services of two additional legislative draftspersons to the Office of the Parliamentary Counsel. Offer four scholarships to four local Attorneys-at-Law to pursue one-year legislative drafting training courses at UWI.	Strengthen the legislative drafting complement of the Office of Parliamentary Counsel.	CIDA Office of Democratic Governance to be asked to provide and pay for the services of two Commonwealth or regional legislative draftspersons as well as four scholarships to local Attorneys-at-Law to pursue		✓			

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establish stronger linkages with CARICOM Legislative Drafting Facility.		legislative drafting studies at UWI.					
Government of Jamaica enacts legislation transferring supervisory jurisdiction over Clerks of Court from RM's to DPP.	Increase the staffing level of the Office of the DPP.	No additional cost implications for Government of Jamaica.					
DPP deploys Crown Counsel to advise the police at homicide scenes.	DPP to assist the police in strengthening its evidence gathering techniques for cases to be presented in court by the DPP.	No direct additional cost implications. (Subsumed under GOJ recurrent costs for Crown Counsel and Clerks of Court salaries and benefits).					
Strengthen JCF Witness Protection Administrative Unit.	Assist JCF in improving its protection of witnesses under threat.	Cost subsumed under the budget of the Ministry of National Security.					

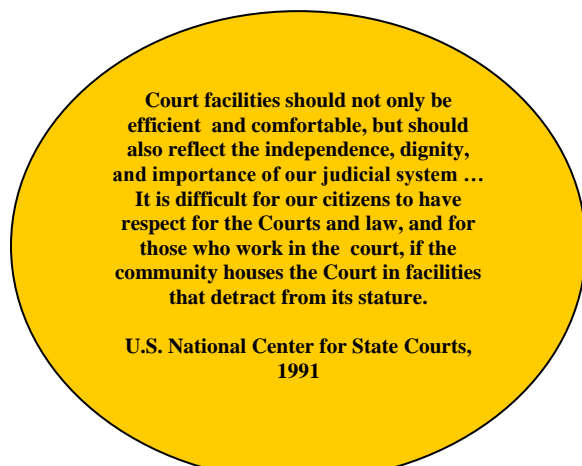
Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
The JCF provides for the videorecording of interviews in police stations with all witnesses and accused persons to serious crimes.	The JCF assures pretrial fairness of treatment for witnesses and accused persons.	Purchase of two videocameras for each of 39 urban police stations @ J\$32,000 each = \$2,496,000 Purchase of one videocamera for each of 28 rural police stations at J\$32,000 each = \$896,000 -Ministry of National Security					
Government of Jamaica enacts amended Evidence Act which permits the giving of court testimony by witnesses through the live videolink medium.	Remove threat to witnesses giving evidence in Court.	No additional cost implications for Government of Jamaica.					
Establishment of live videolink testimony in the Supreme Court.	Remove threat to witnesses giving evidence in Court.	4 criminal courtrooms in the Supreme Court at the Jamaica \$ equivalent of US\$150,000 per courtroom = \$51,000,000 -GOJ/EU					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Government of Jamaica to increase the training of existing staff, increase the staff complement and acquire more advanced technology for the Government Forensic Laboratory.	Enable Forensic Laboratory to more efficiently provide scientific evidence to be used by police and prosecutors in the Courts.	\$350,000,000 -GOJ/EU					
Government of Jamaica to pass legislation which enables DNA information to be used as evidence in the Courts.	DNA information in Forensic Laboratory to have evidential value in the Courts.	No cost to Government of Jamaica. (Subsumed under Office of Parliamentary Counsel).					
Government of Jamaica works with the University of Technology with regard to establishing a University of Strathclyde training course for Forensic Laboratory Specialists at the University of Technology.	Increased access to more and better trained Forensic Laboratory Specialists in Jamaica.	No additional cost to Government of Jamaica budget.					
Government of Jamaica eliminates the practise	Ensure that the work of foreign pathologists have	No additional cost to Government					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of Funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
whereby Forensic Pathologists on four-year contracts of employment are asked to undertake post mortems in their fourth year of employment.	continuity in the justice system.	of Jamaica budget.					
Government of Jamaica establishes a rule which requires all foreign forensic pathologists to be supervised by the Medical Faculty of the University of the West Indies or the Ministry of Health for a three-month period.	Ensure that the work of foreign pathologists meet established standards of medical quality.	No additional cost to Government of Jamaica budget.					

Strategic Issue 5

Output 5: Establishing A Sound Court Infrastructure



Court facilities should not only be efficient and comfortable, but should also reflect the independence, dignity, and importance of our judicial system ... It is difficult for our citizens to have respect for the Courts and law, and for those who work in the court, if the community houses the Court in facilities that detract from its stature.

U.S. National Center for State Courts,
1991

Court facilities must support efficient operations and command respect for the independence and importance of the judicial branch in preserving a stable community. Modern technology must be employed to achieve administrative efficiencies and enhance the public's access to court information and services.

Goal 5.1

Establish a 5-year programme for the rehabilitation and modernization of Court Houses to better accommodate the judges, case load and the introduction of the appropriate technology. All Court facilities will be accessible to the public and support effective operations.

Strategy 5.1.1

Ensure that court facilities are easily navigable and accessible to all persons, including persons with disabilities.

Strategy 5.1.2

Provide functional and comfortable work space for judicial officers, members of the Bar, court personnel, witnesses, jurors and other members of the public.

Goal 5.2

The Jamaican courts will employ technology to support efficient operations and informed judicial decision-making.

Strategy 5.2.1

Ensure that technology investments are aligned with the Courts' strategic goals and are cost-effective.

Strategy 5.2.2

Maximise staff productivity by providing up-to-date, stable and reliable technology and customer support.

Output 5 Activities:

- Undertake and complete courthouse constructions and renovations in accordance with a Court Facilities Master Plan. The Master Plan should contemplate the inclusion of Judges and Lawyers as part of the planning processes for courthouse constructions and renovations. It is imperative that the Government of Jamaica accelerate its planning with respect to the creation of a "Justice Square" in downtown Kingston which would see the expansion of the existing Supreme Court to include other buildings such as the old Attorney General's Chambers, the National Commercial Bank building on King Street and the old Workers Bank building on Tower Street. The proposed Court Facilities Master Plan should take all these developments into account. It should be noted that the additional complement of judges recently approved by the Government of Jamaica cannot be efficiently deployed without an enlargement of current courtroom







space arrangements.⁵³ The Caribbean Development Bank should be approached to seek its assistance in this endeavour as in the near future they are likely to be the implementers of a regional courthouse facilities improvement initiative that is grant-funded by an international donor. All facilities construction and enhancements should specifically incorporate improved access for persons with disabilities into the planning process and should prohibit the co-location of RM Courts and police stations.

- The above Court Facilities Master Plan should make specific reference to the need to have all future courthouse construction undertaken in the form of building court complexes which will house the Custos of each Parish, the Resident Magistrates Court, Family Courts, mediation facilities, children counseling facilities, legal aid facilities, interview rooms for persons in custody to give instructions to their lawyers, peace and justice centres, juror deliberation rooms, etc. within its confines. That is, all new complexes should represent a “one-stop shop” for the provision of justice system services.
- Over the long-term it is recommended that negotiations take place between the Judicial Branch, the Executive Branch and the Legislative Branch of Government with a view to ascertaining the best method for divesting effective administrative control of all courthouses from the Executive Branch to the Judicial Branch. This recommendation would be in full accordance with further strengthening the independence of the judiciary in Jamaica.
- It is understood that court complexes in accordance with the above “one-stop shop” principle are being planned for Portland, Mandeville, St. Thomas and St. Ann. It is recommended that a model courtroom, along the lines of that established for the Caribbean Court of Justice in Trinidad, be established at one of these locations as well as at the Supreme Court. These courtrooms would act as a visible focal point for judges, lawyers and citizens as to what benefits could accrue to the justice system through the use of modern technologies in the court setting. A long-term objective would be to extend this model courtroom concept to each Parish in Jamaica, assuming that the future replication costs are not prohibitive for the Government of Jamaica.
- If economic stringencies militate against the construction of new court complexes, the Ministry of Justice should ensure that additional courthouse facilities are obtained from existing building stock in the locations identified for additional courthouses. This existing building stock should include consideration of those being sold by FINSAC as part of its pool of real estate made available from properties liquidated by previous owners who could no longer afford to keep them.
- Improve the utilization of court facilities by having Courts operate two shifts where necessary and sit for more days where possible and necessary. This course of action is now more feasible having regard to the recent approval by the Government of Jamaica of the utilisation of more Judges and RM’s in the court system. The earlier start-up of sittings in the courts each workday should also be revisited, with a view to starting court sessions at 9.00 a.m. each day rather than 10 a.m. as is presently the case. Starting court sittings earlier would also greatly enhance the possibility of courts operating for two shifts, as the second shift would begin at an earlier time in the evenings and end at a reasonable time in the nights.

















⁵³ The absence of adequate courtroom space also affects the existing, and proposed additional Masters that have been approved for the Supreme Court as the Chambers of these Masters have to function as both office and “courtroom.”


- The practice where RM Courts are located in some Parishes above police stations should be eliminated over the long term as this close association between the courts and the police leads some citizens to think that there is no separation between the Executive and Judiciary with respect to cases being tried before these courts. A similar observation could be made with regard to the fact that the Office of the DPP is located within the same building as the Court of Appeal.

Output 5: Prioritised Activities⁵⁴

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establishing a Sound Court Infrastructure							
Government to source technical assistance services from the Jamaican private sector to prepare a Court Facilities Master Plan.	Single Master Plan operates as a source document for all courthouse constructions and renovations.	\$3,000,000 -Jamaican private sector to be asked to provide and fund the services of an Architect for six months.					
Improve utilization of court facilities (Start court earlier; use existing facilities for longer hours; Night Courts).	Using court facilities more efficiently to enable the system to come to grips with existing case backlogs.	No additional cost to Court Management Service.					
Erect new court infrastructure, which utilises “One-stop Shop” features.	Construct additional new courthouse facilities in accordance with developed Court Facilities Master Plan.	Government of Jamaica approaches the Caribbean Development Bank with a view to participating in its proposed regional Court Infrastructure Improvement Project. Contribution of					

⁵⁴ See Annex B for a summary of all Framework Output Costings.

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
		\$400,000,000 from GOJ - GOJ/CDB					
Continue to improve utilisation of court facilities.	Improved access and utilisation of court infrastructure.	No additional cost to Court Management Service.					
Eliminate practice of locating RM Courts above police stations.	Remove close association of the Judicial and Executive Branches of Government in the minds of the public.	The cost of action would be factored into the existing Ministry of Justice budget for courthouse infrastructure and the Ministry of National Security's existing budget for renovating/constructing police stations.					
Terminate the location of the Office of the DPP within the Court of Appeal Building.	Eliminate physical co-location of DPP and Court of Appeal offices in the interest of public perception.	This activity is predicated upon the success of the Government of Jamaica in the creation of a "Justice Square."					
As a long-term Agenda plan, the Judicial Branch may wish to commence discussions with the other branches of Government with a view to assuming administrative control over all buildings that	Prepare for long term scenario where courthouses are managed by the Judicial Branch of Government.	No additional cost to Court Management Service -When achieved, existing Government allocations for court buildings would be turned over by the Executive to the Court Management Service.					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
house the courts.							
Establish model courtroom in the Supreme Court and a selected RM Court.	Demonstrate to judges, lawyers and citizens the benefits that can accrue to the justice system through the use of specialised technological applications in the court setting, e.g. The use of visual displays of evidence, which are shown simultaneously to all judges on the Bench.	\$34,000,000 - GOJ/EU/Private Sector					

Strategic Issue 6:

Output 6: Implementing a social component for the delivery of justice reform

While court structures and systems should be developed and supported, a more long-term approach to justice reform requires tackling the sub-culture of violence that is part of the societal fabric in Jamaica. Restorative justice practices have been instrumental in reducing the demands on the justice system in other jurisdictions and reducing violence in communities and institutions (schools, families, workplaces, etc.). Given the scope and nature of community/domestic violence in Jamaica, the possible impact of such programmes on the number of cases brought before the courts is promising.⁵⁵ The concern under this section is to ensure that:

"The solution to the rampant crime and violence is not going to rest only with the police but is going to involve to a large extent two other things, the social intervention preventive measures that we put in place before people end up in institutions; and the work that we do in these institutions to prepare them for coming out after."⁵⁶

Goal 6.1

Any comprehensive justice reform agenda has to have complementary and mutually reinforcing social and community interventions, having regard to the symbiotic relationship between the decline in adherence to the Rule of Law in Jamaica and the disintegration of community mores and governance. Such interventions would be designed to change the image and perception that communities have of state authority, from one solely of a policeman with a firearm, and legal luminaries in courtroom settings, to one that is more gentle and caring. Multi-agency collaboration is key for this to occur, as resources required are likely to be beyond the individual financial capacities of the Government of Jamaica, civil society or the IDP community.

Strategy 6.1.1

Continued capacity development of Peace and Justice Centres, through their equipping and staffing, as well as the training and deployment of community mediators. The Peace and Justice Centres would function as community hubs whose primary mission would be to enhance the social, educational, and economic standards of the residents while building and increasing community pride.⁵⁷

Strategy 6.1.2

Address access to justice issues through the implementation of legal aid strengthening and other programs, which relate specifically to women and youth. With regard to the provision of more legal aid services to women and youth, the Ministry of Justice should approach the Private Sector Organisation of Jamaica and use its good offices to contact private law firms with a view to obtaining pledges of pro bono support for specific periods of time from their lawyers. The lawyers who will be offering support would liaise closely with the management of the Peace and Justice Centres throughout Jamaica with a view to providing legal assistance from their confines.

⁵⁵ See generally, "We want Justice - Getting to the Goal of Justice for all", by Jamaica Dispute Resolution Foundation.

⁵⁶ Senator Arthur Williams, Minister of State in the Ministry of National Security at Department of Correctional Services' exhibition/trade fair held at the Devon House Heritage Site in Kingston on Wednesday, October 29, 2008.

⁵⁷ Illustrative activities that could be selected for these Centres are: Adult remedial classes; parenting seminars using the services of such prominent NGO's as the Coalition for Better Parenting; youth diversion programmes; distribution of food and clothing (through Food for the Poor); mediation sessions; community library and Cyber Centre; Senior Citizens Club; continuing studies training programs; after school homework programs; youth sports programs and computer classes.

Strategy 6.1.3

Mobilise private sector and IDP support for the social component with particular reference to galvanizing financial support in those areas where Peace and Justice Centres are established or are to be established. In this regard, it is recommended that rather than placing every young person, who has committed an offence into a correctional facility, and condemning them to a life of crime and recidivism, every Peace and Justice Centre be used as the focal point for the development of specific youth diversion initiatives that keep young people out of correctional institutions, while at the same time making them take responsibility for their actions.

Strategy 6.1.4

Tackling larger social issues such as parenting skills, education levels of parents and tangible “bread and butter” needs may need to be addressed before people can be receptive to conflict resolution messages. Interventions must holistically respond to the priority needs of communities. A number of activities when undertaken can stimulate the interest of targeted groups (such as young males in the 18-25 group which has been identified in the past as being the main perpetrators and victims of violence) e.g. music, culture, sports and education, which will allow the integration of conflict management as part of a menu of community services.

Strategy 6.1.5

The Government of Jamaica to consider the enactment of the necessary legislation to enable Courts to order convicted persons to compensate victims who have suffered personal loss or damage as a result of the commission of a criminal offence. A necessary companion piece to the implementation of this activity is the development of a comprehensive Victims Charter which clearly articulates how victims will be supported after the crime is committed until any compensation ordered for the victim has been liquidated. This Victims Charter is to be developed within the wider context of strengthening the existing Victim Support System, supervised by the Ministry of Justice .

Strategy 6.1.6

The Government of Jamaica has developed a National Plan of Action for Child Justice which contains a specific strategic objective relating to the improvement and disposition of cases involving children in the justice system.⁵⁸ One of the key components of this strategy is to make the services of a Family Court available in all fourteen parishes in Jamaica.⁵⁹ Over the five-year life of this Framework, it is recommended that the proposed Court Services Agency seeks to establish one Family Court per year for four years in a selected parish. One of the criteria for the selection of parishes should be the amount of persons the Family Court will serve when it is established. The more persons to be served, the greater the selection possibilities of the parish, all other factors being equal. It is realised that after the four years have expired all parishes would not have Family Courts, but this deficit can be made up in successive years after official Framework expiration.

Strategy 6.1.7

Intensify the work of the existing Department of Correctional Services Inmates External Work Programme, where low-risk inmates do work on various social projects across the nation.

Strategy 6.1.8

Provide support for a more focused public education campaign for conflict resolution.

⁵⁸ National Plan of Action on Child Justice, May 31, 2007, page 1.

⁵⁹ At this time Family Courts are located in Kingston, Portmore, Saint Catherine, Westmoreland, Hanover and Montego Bay.

Output 6 Activities:







- Develop the capacity of Peace and Justice Centres (equipment, staffing and mediation training).
- Establish legal aid strengthening programs in communities. The ready access to legal aid services is missing in many vulnerable communities which do not have an established tradition of adhering to the Rule of Law. It is thought that the provision of legal aid services in ten communities which could most use this type of support would be salutary in establishing an alternative route to the use of violence in settling disputes and to relying on the assistance of third parties who are not part of the established system of law in the country to act as judge, jury and executioner when disputes flare.
- Tackling larger social issues (parenting, parent's education). The phenomena where very young persons are having children without having acquired the parenting and other social skills demanded by child-rearing is having an extremely negative effect on the socialisation of children in the country and has frequently caused such children to be very susceptible to joining gangs which give them a greater feeling of belonging than their existing family structure. The provision of parenting seminars and the development of other parenting skills would have a salutary effect on a large number of young persons if they could be disseminated as part of a package of measures delivered in conjunction with the establishment of legal aid strengthening initiatives in the ten communities selected above.
- Legislation to establish Victims Compensation Program. Victims of crime in Jamaica in addition to having to undergo the trauma of having a crime of violence committed against them and having in many cases to suffer the physical and mental pain of injuries on a continuous basis, have few established channels to recover compensation from the party or parties who wronged them. This has led to frustration on the part of many crime victims which has frequently led to reprisal actions being taken against the person or the person's family who has allegedly wronged them. A legislative framework in Jamaica which establishes a Victims Compensation Programme, with specific rules as to its operation, is required by the society at this time as part of the mosaic of measures to ameliorate the high levels of crime and to place the scales of justice more evenly in balance.
- Prepare Victims Support Charter and strengthen existing Victims Support System. Closely allied to the proposed Victim's Compensation Program described above is the preparation in written form of a Victims Support Charter which consolidates the principles, goals and objectives of the programme and the strengthening of the existing Victims Support System of the Ministry of Justice which while making a significant outreach to victims of crime in its various outreach areas, is in need of considerable strengthening assistance.
- The development of youth diversion centres whose specific objective is to keep young people out of correctional institutions while at the same time ensuring that they take responsibility for the consequences of their actions. In the context of Jamaica's social situation, diversion programmes should focus on youth who are at risk of becoming involved with guns as guns are the weapon of choice for the commission of many serious crimes. At least one parent should be required to attend the periodic training sessions of the youth members. The youth should be asked to actively participate in the relevant activities identified for the Peace and Justice Centres in footnote number 57 above. At this time it is not possible to predict the actual number of Peace and Justice Centres that will be established under UNDP auspices. What is however recommended is that, at a minimum, ten additional youth diversion centres be established in addition to the Peace and Justice Centres that will be established by the UNDP. To the extent possible, the ten youth diversion centres

should be established in communities which do not already have a Peace and Justice Centre and where adherence to the rule of law by young people needs strengthening.

- Seek to extend the network of existing Family Courts to other Parishes in Jamaica. The Family Courts in Jamaica are performing very important work with respect to the provision of various services which stabilise the relationships between children and their peers, children and parents and between the parents themselves. It is imperative however that this stabilisation role be extended throughout all fourteen of Jamaica's parishes as there are Family Courts in only five parishes at this time.
- Intensify work of existing Inmates External Work Programme. "Rehabilitation programmes that allow inmates to labour on external environmental projects reduce violence in prisons. Since they have been coming out, the level of violence in the [prison] institutions has decreased."⁶⁰ In addition to violence reduction, these type of programs build inmate self-esteem and a recognition of the value of work as they earn stipends which are kept on their behalf by the prison authorities for when they are released from prison.
- Focused public education campaigns on conflict resolution. The inability among major segments of the Jamaican populace to peacefully resolve conflicts, is one of the key contributors to the high homicide rate in the country. Relatively simple conflict situations can therefore escalate into major conflict situations which are resolved physically, leading to a sometimes endless round of reprisals and counter-reprisals, with the consequential loss of lives that this entails. The utilisation of extensive public education campaigns specifically targetted to behaviour modification in the resolution of disputes is an important part of the integrated crime and violence reduction measures which should be undertaken by the Government of Jamaica.

⁶⁰ Mrs. June Spencer-Jarrett, Deputy Commissioner of Corrections and Custodial Services, in a July 10, 2008 interview with the Jamaica Daily Gleaner.

Output 6: Prioritised Activities ⁶¹

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Implementing a social component for the delivery of justice reform							
Develop the capacity of Peace and Justice Centres (equipment, staffing and mediation training).	Increase number and capacities of Peace and Justice Centres.	10 centres established in critical community areas which suffer from a lack of adherence to the rule of law ⁶² @ \$2 million each per centre per annum over 5 years = \$20,000,000. GOJ/UNDP/USAID /WB/Private Sector					
Review legal aid system with a view to strengthening its outreach.	Implementable recommendations provided on how to increase legal aid outreach throughout Jamaica.	No additional cost to the Government of Jamaica. To be funded through Order in Society Component of JUST programme.					

⁶¹ See Annex B for a summary of all Framework Output Costings.

⁶² It is recommended that the Government of Jamaica works closely with the UNDP, SDC and IDB on the criteria for establishing the centres. The communities previously selected under the CSJP offer one possibility for the selection of communities as they have already received substantial CSJP strengthening assistance.

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establish legal aid strengthening programs in communities through the utilisation of probono legal services marshalled under private sector auspices.	Strengthen legal aid delivery in communities.	See Output 2 prioritised budget under the “Key Outcome/Indicators” headings, “Increase legal aid services to the public.” -GOJ/Private Sector/USAID (under the rubric of providing communities with greater access to justice).					
Tackling larger social issues (parenting, parent’s education).	Mitigating those social issues which are thought to be causative factors in the breakdown of the rule of law.	Ten communities selected to benefit from twenty programs of \$2 million each per annum for 5 years =\$200,000,000 - GOJ/Private Sector/CSJP/JUST					
Legislation to establish Victims Compensation Program.	Establish Victims Compensation Program.	No additional costs to Government of Jamaica. (Subsumed by Office of Parliamentary Counsel budget).					
Establish Family Courts in selected Parishes over a four-year Framework period.	Family Court services made available to larger number of Jamaicans.	4 Family Courts established in four parishes at an approximate cost of \$10,000,000 per court = \$40,000,000 GOJ/EU					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Establish Victims Support Charter and strengthen existing Victims Support System.	Strengthened Victim Support System.	\$600,000,000 over five years. - GOJ/JUST/EU (Based on the real crime reduction, and hence backlog reduction, potential of this activity).					
Intensify work of existing Inmates External Work Programme.	Inmate rehabilitation increased.	Subsumed under existing Department of Correctional Services budget for this ongoing exercise.					
Establish at least ten Youth Diversion Centres.	Functional youth diversion programmes developed.	1 youth diversion centre established in 2 communities per year for 5 years @ \$24,000,000 per centre = \$240,000,000 - GOJ/ other IDP members such as UNDP and JUST.					
Focused public education campaigns on conflict resolution.	Conflict resolution education.	Subsumed under Output 7 “Key Outcomes/ Indicators” of “Public education programs developed will pay equal attention to the needs of the court system as well as vulnerable civil society communities.”					

Strategic Issue 7

Output 7: Strengthened Public Trust and Confidence

This output is concerned with strengthening the trust and confidence that the citizens of Jamaica will have in a justice system which respects their rights, upholds their responsibilities, and meets their needs. Part of the approach under this heading will be to develop effective communications programmes about citizens' rights and responsibilities in the delivery of justice and upholding the rule of law. But effective communication needs to be underpinned by effective reform if trust by citizens in the system is to be strengthened and maintained.

Goal 7.1

Establish a five-year public education programme for the citizens of Jamaica with the objective of sensitizing them on how the justice system works, how participating in the justice system benefits them individually as well as the country and how the economic well being of Jamaica is very dependent on having a justice system which is regarded as fair and efficient. Other areas of focus will be providing members of the public with clear measures of performance of justice sector institutions and of the wider reform process through measures of progress against clearly defined performance targets. In this regard, a citizens consultation/feedback mechanism to enable implementers of Framework recommendations to determine whether the trust and confidence of the citizenry are being strengthened, will need to be a part of the public education programme.

Output 7 Activities:








- Improving transparency and public access to court decisions (including through case reporting and access to current laws).
- Strengthening independent complaints and oversight bodies with powers of investigation. An example of this type of intervention would be the strengthening of the Bureau of Special Investigations which undertakes investigations into the discharge of firearms by the police that have resulted in injury or death. This unit is comprised of current and former police officers, and its investigations have therefore been subject to public criticism that its conclusions are not impartial. At this time the Police Public Complaints Authority, which is staffed by civilians, is tasked with responsibility for monitoring the investigations of the Bureau of Special Investigations. Its operations are currently being reviewed in an effort to strengthen it by providing it with more authority and autonomy to undertake its duties more effectively. It is recommended that the possible strengthening of the Police Public Complaints Authority be undertaken within the context of the establishment of the proposed Independent Investigation Body, staffed by civilians, which would be responsible for investigating alleged police breaches of the law. There seems to be no reason why the existing functions and assets of the Police Public Complaints Authority could not be brought under the operational auspices of the proposed new Independent Investigation Body.
- The Court Administrators of the Supreme Court to spearhead an initiative to develop written materials to explain court processes and procedures, (e.g. "What happens in the Gun Court," "what jury service entails and its significance to the efficient functioning of the justice system" and a glossary of legal terms for court users) to enhance public understanding.
- Publishing codes of conduct for justice sector institutions with particular reference to the development of codes of conduct for the treatment of children as witnesses to crime and as perpetrators of crimes.

- Developing a public education strategy. This strategy should at the very least highlight conflict resolution issues, with particular relevance to the issue of violence against women. This approach would involve the input of all agencies working in violence against women issues, conflict resolution and peace initiatives, for example, Women's Media Watch and the Peace Management Initiative. The existing Community Radio Network that has tailored programs for citizens resident in troubled communities should also be utilized for the dissemination of conflict resolution messages. The proposed Court Management Service should hire a press liaison officer who will have direct liaison relationships with the Constabulary Communication Network; The Justice Education Unit ⁶³ and the Press Agencies, with the objective of ensuring the timely and accurate dissemination of relevant justice system information to the wider public. Regular public press briefings would also be conducted by this press officer without getting into the details of specific cases before the courts.
- Develop a single Website that provides links to the Courts, Department of Corrections and other key stakeholders. Information about the courts' systems and procedures should be specifically included as the public is largely unaware of this information. Daily schedules of hearings, judgments, as well as requirements for accessing the services of the courts, should also be included. Users of the Website should be able to retrieve court schedules by selecting the name of the court and the days' schedule they wish to view.
- Establish a separate Office of the Special Prosecutor that has a specific mandate to investigate and prosecute corrupt acts in the private and public sectors. This office will not be co-located with the existing Office of the DPP and will have a separate mandate to conduct its anti-corruption activities. The Special Prosecutor will work closely with the DPP in undertaking his/her mandate, and "Prosecution really remains the purview of the DPP; he has powers to go in and take over prosecutions and/or to stop. This person will have to work in close conjunction with the DPP but this Special Prosecutor will have his own office and his own staff."⁶⁴
- As the UNDP's Jamaica Violence Prevention, Peace and Sustainable Development Programme intends to support an online security and justice resource centre, to be run by the Government of Jamaica, it is recommended that all justice sector public education efforts steer potential users of the justice system to this centre when it is established. The Jamaica Ministry of Education should also be integrated into the information dissemination process in all its public schools as an active development partner.




⁶³ The Justice Education Unit of the Ministry of Justice deals with all public education matters and seeks to educate Jamaicans on their rights and responsibilities as citizens. The Unit was officially launched on December 10, 2003- International Human Rights Day.




⁶⁴ Weekly post-Cabinet briefing of Minister of Justice and Attorney General, Senator The Honourable Dorothy Lightbourne, November 27, 2007.

Output 7: Prioritised Activities ⁶⁵

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Strengthened Public Trust And Confidence							
Court Management Service develops code of conduct for the court system and produces revised standards for the selection, appointment and remuneration of Judges and RM's.	Code of conduct and revised standards for the selection, appointment and remuneration of Judges and RM's produced.	Technical assistance for this reform can be provided by the Order in Institutions Component of JUST.					
Ministry of Justice, Court Management Service, JCF and Department of Correctional Services develop a public education strategy for the justice system.	Common public education strategy for justice system developed.	No additional costs to Government envisaged - (Subsumed under communication costs in Output 7).					
Court Management Service in conjunction with Ministry of Justice improves public access to court decisions and legislation (e.g. improving court reporting	Improve access of the public to court decisions and national legislation.	Provision of court reporting facilities (audio recording equipment, laptop and desktop computers) in 16 RM Courts = \$35,000,000. -Court Management Service					

⁶⁵ See Annex B for a summary of all Framework Output Costings.

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
facilities, enlarging the outreach of the existing Ministry of Justice public education facility and updating the current Laws of Jamaica Online service).		Access to legislation can be facilitated under the Order in Legislation Component of JUST.					
Justice sector public education efforts are steered towards UNDP's Jamaica Violence Prevention, Peace and Sustainable Development Programme.	Strengthening the efficiency of justice sector public education initiatives.	No additional costs to Government of Jamaica.					
Establish Website with public access to information on the Courts, Department of Corrections and other key stakeholders.	Improve public access to information on the court system, Department of Correctional Services and other key stakeholders.	20 days technical assistance services of a local website designer @ the J\$ equivalent of US\$1,000 per day = \$ 1,600,000. - GOJ/JUST (Any JUST contribution can be accommodated under its Order in Society Component)					

Reform Action	Key Outcomes Indicators	Cost (J\$) Source of funding	YEAR ONE	YEAR TWO	YEAR THREE	YEAR FOUR	YEAR FIVE
Focus equal efforts on public education programmes directed at the justice system as well as conflict resolution messages to vulnerable communities.	Public education programmes developed will pay equal attention to the needs of the justice system as well as vulnerable civil society communities.	\$100,000,000 (Over a five year period). -GOJ/JUST					
Establish Office of the Special Prosecutor.	Greater emphasis made on the investigation and prosecution of alleged corrupt public and private acts.	Establish and staff Office of Special Prosecutor = \$82,000,000 -GOJ					
Government of Jamaica passes legislation establishing an independent body, staffed by civilians, responsible for investigating alleged police breaches of the law.	Independent body established to investigate alleged rights breaches by police against the citizens.	No additional costs to Government for legislative development. Once established, the staffing, housing and operations of the new body estimated to cost \$430,000,000 for five years. - GOJ					

Framework Activities

This Framework is designed to articulate the Government of Jamaica's development priorities for the justice sector over the next five years. In particular, it is in accordance with the Government's Medium Term Social and Economic Policy Framework and Ministry Paper Number 56, Cabinet Office, January 2003, entitled "Government at your Service-Public Sector Modernisation Vision and Strategy 2002-2012", which sets out critical governance strengthening areas which will need to be addressed in any Policy Agenda Framework for the justice system. These include:

- Providing information on citizen's rights, responsibilities and procedures to exercise their rights, through community notice boards and public information channels.
- Publicising the existing channels of participation available to the public and actively involving citizens through focus groups, citizens'juries and other fora.
- Designing and enforcing mechanisms/sanctions to maintain the rule of law, which will facilitate economic growth, security and social capital formation through better access to timely, affordable and just resolution of disputes/judicial matters, by:
 - Continuing and accelerating reform within the security and justice sectors.
 - Ensuring that resources are provided for laws to be enforced.
 - Ensuring that citizens are aware of their obligations to support the rule of law.
 - Ensuring the timely disposal of legal matters through the strengthening of the administrative capability of the courts.
 - Making legal aid and other legal services available at the local level.
 - Promoting the use of Alternative Dispute Resolution mechanisms; and
 - Revising civil procedures and rules to make the judicial process more client-driven with customer service orientation.⁶⁶

Funding for the activities identified will depend on public expenditures; grant funding provided by IDP's such as CIDA and the UNDP, budget support from such organisations as the EU and loans from such organisations as the IDB and CDB. It is assumed that the Government of Jamaica will continue to provide recurrent funding to the sector. In addition, that government's planned expenditures will encompass expenditures on the

⁶⁶ See Ministry Paper # 56, "Government at your Service- Public Sector Modernisation, Vision and Strategy 2002-2012", page 20.

rehabilitation of police stations and the provision of increased prison facilities. The justice sector priorities as identified in this Framework will provide the basis for Government's future investment in the sector.

This Framework seeks to obtain reform and modernisation of the justice sector through the implementation of a number of activities that will involve partnership with a wide cross-section of sector actors such as the Courts, the Jamaica Constabulary Force, the Department of Correctional Services, civil society, the private sector and those IDP's that also have a stake in the success of the Framework. Effective engagement of these groups will help build support for the Framework, increase transparency and address any perceptions of bias and inappropriate motives in the implementation of reforms.

Financing the Framework

Introduction

The Framework will have significant implications for the Government of Jamaica's budget, both in terms of resources required to implement its recommendations, and the budgeting process within the justice sector. This section considers these implications, and describes how they can be addressed during the implementation of Framework activities. The aim is for improved resource allocations to be made to and across the justice sectors.

Jamaica is making strides towards improving its resource allocation process through the development of a Medium Term Economic Framework (MTEF). When established, the MTEF will be used as a benchmark tool to align Framework priorities with resource allocations. The current resource allocation system for the justice sector in Jamaica is far from satisfactory. There are conflicting budgetary priorities and inadequate government income. The justice sector has to compete with other Government funding priorities and is presently number ten in those funding priorities. Approved budgets are frequently lower than estimated expenditures for the year (for example, the Victim Support Unit submitted a budget request for J\$101,000,000 in its budget request for 2008-2009. It received an approved budget in the amount of J\$87,000,000). The case made out for increased funding across the justice sector has tended to be weak in the past, with little justification provided for obtaining additional funds in terms of achievement of agreed objectives and increased absorptive capacity. In order to break this vicious circle, the Framework is intended to strengthen planning mechanisms institutionally and as a sector and facilitate the process of linking budget planning to agreed strategic aims.

Resources in the sector must be used efficiently

Resources available for the provision of public services in Jamaica are severely constrained. Sound macroeconomic management and economic growth, combined with strengthened public financial management should increase the public resource base over the medium term. But justice sector reforms need to start

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immediately. It is therefore essential that available resources be utilized as efficiently as possible, and that a compelling case for sector priorities be made given the many competing demands for public expenditure. Given overall resource constraints, it is unlikely that substantial additional resources will be available from Government for the sector in the short to medium terms. Efficient prioritization of resources will therefore need to be achieved by:

- **Focusing on cost-free activities** where policy, administrative or procedural decisions and actions can advance reforms without the need for additional expenditure.
- **Achieving cost savings** by eliminating inefficiency and unnecessary processes identified through business process mapping.
- **Working towards integrated, sector-wide, output-oriented budgeting**, so that all resources for the sector (Government and donor; grant and loan; operational and recurrent) are rationally allocated across sector institutions according to agreed strategic priorities.

The main sources of funds are Government and IDP's

The main sources of funding for the Framework are the Government of Jamaica (GOJ) and the IDP's; though other groups may make important contributions in specific areas (for example, local NGOs providing human rights orientation training for police staff and the wider private sector providing technical assistance and equipment in the computerisation of the Resident Magistrate Courts). The GOJ finances the operational costs (wages and other charges) of the sector, plus some capital costs, by allocating public resources through the annual budget process. Public resources allocated in this way include significant revenue from fines imposed by Courts. Public resources are augmented by general budget support provided by IDP's either as concessionary loans or grants. In addition to general budget support, IDP's may provide support directly to the justice sector, usually of an investment nature. These funds may be provided under loan or grant arrangements, and would generally be reflected in the Government of Jamaica's development budget as a memorandum item.

The strategy encourages alignment of all justice sector funding under a single coordinated framework

The Framework is designed to enable all significant funding for the sector (from Government, the private sector and IDP's) to be aligned to support a single sector policy and coordinated expenditure framework, under Government, private sector and civil society leadership. The intention of Jamaica's public financial management reforms is to develop a MTEF so that it provides an integrated resource allocation mechanism for all sectors. When this framework is operational it should be possible to provide a single "resource envelope"

incorporating all available funds to, and across, the justice sector according to identified service delivery priorities. This will enable trade-offs between alternative uses of funds – for example, salary payments versus capital investment – to be made more systematically and transparently.

The newly approved Court Management Service in Jamaica presents an opportunity for the Courts to have more direct control over finances and adequacy of funding. This opportunity however presents several challenges in many areas that are discussed in this section.

This Framework offers 15 recommendations aimed at building a modern, reliable and accountable financial system for the Courts. It assumes that the Supreme Court and the Resident Magistrates Courts are integrated managerially and technologically, and that this integrated court system will have in place the necessary human resources to manage the total Court budget.

The financial recommendations are summarized below:

- Develop a long-term financial plan.
- Prepare annual budgets to carry out the plan.
- Arrange for adequate funds and spend them prudently.
- Consolidate all annual Court budgets.
- Prepare guidelines for budget formulation.
- Prepare program budgets.
- Conduct budget negotiations.
- Prepare impasse procedures.
- Allocate budgets.
- Control expenditures.
- Evaluate budget performance.
- Review long-term budget plan.
- Propose a capital expenditure plan.
- Establish dedicated funds.

Develop a multi-year judicial financial plan

The Chief Justice should commission the preparation of a multi-year financial plan to establish the scope, content, and timing of the expenditures required to organise and manage a modern judiciary and to overcome the accumulated burdens of past financial stringencies. The multi-year financial plan should be a financial tool to accelerate court reform and to remove the overhang of backlogged cases that complicates the expeditious disposition of current filings. It should set forth the resources required to bring the Court system up to the standard articulated in this Framework. It should be prepared in conjunction with a strategic plan that lays out the judiciary's mission, vision, values, and goals. Both the strategic plan and the accompanying financial plan should be discussed fully with political and budget authorities and should be made known to the public.

The multi-year financial plan should focus on the special costs needed for judicial modernization, including administrative structure, systems development, and space and facilities. It should include the extraordinary expenses required to eliminate backlogged cases so that cases can be managed on a current basis. Regular operating costs should be included in the Courts' annual plan, not in the long-term plan.

The plan should be phased-in as quickly as the availability of funds will permit. A timeframe of three to five years seems reasonable, but implementation of the plan should not extend beyond five years if its promises are to be credible.

The plan should include the costs of the following components:

- Governance, administrative, and management infrastructure.
- Backlog elimination and delay reduction.
- Program and systems design for re-engineering court divisions.
- Additional judges and staff, if needed.
- Case management team development.
- Technology and office equipment.
- Records management.
- Space and facilities.
- Consultants.
- Conferences and committee work.
- Training and travel.
- Public information and community collaboration

Preparation of a long term financial plan will require the Chief Justice and fellow members of the judiciary to confront a number of realities, including an assessment of how much the Courts' budget is likely to grow and the continued possibilities of adequate funding from all sources, including donor grants. A decision then has to be made upon priorities to assign to various options within given levels of resources. While compromises with best-case scenarios may have to be made, the Courts' long-range plan should be based on the assumption that the government will make adequate financing available to operate the Courts properly.

Develop annual budgets to carry out the plan

The annual Court budget should be used as a short-term planning document. The first principle of the yearly court budget is that it should be policy driven, reflecting the goals and direction of the judicial branch. The yearly goals should be established in the context of the judiciary's strategic plan and multi-year financial plan that comprehensively assess needs. The yearly budget should contain that portion of the long-term plans designated for implementation that year. It should also contain the goals of the judiciary's operating plan for that year. The goals should set forth the amount of work the judiciary intends to accomplish during the budget year, the standards under which it will operate, and quantifiable measures to appraise its performance.

The judiciary's annual operating budget should be linked to projected public demand for judicial services for that year. To project public demand, the judiciary requires the capacity to make reliable filings forecasts and then to translate them into workload requirements. (A Delphi study ⁶⁷ or similar techniques can be used to determine workload.) The judiciary also must be able to determine its productivity per judge.

Productivity information combined with workload analyses will inform budget makers concerning the number of personnel required to deal with the projected court business for the year. Once staffing requirements are established, budget details can be computed fairly easily. On an annual basis one of the major goals of the judiciary is to clear its calendar, that is, to dispose of at least as many cases as has been filed. Many courts do not leave the calendar clearance goal to chance, but rather establish it as a basic performance program. That program can be translated into annual budgetary requirements using a public demand model.

The steps of a calendar clearance program are set forth below:

⁶⁷ To see how a Delphi Study works, see Annex E.

- Project public demand for dispute resolution services for the coming year in each court division on the basis of projected filings in each category of case.
- Assign case weights to case categories, at first, using Delphi process to estimate time spent to dispose of cases and then, as soon as possible, using statistical information derived from JEMS.
- Multiply projected cases by case weights to determine workload.
- Determine dispositions per judge by analysis of previous years' productivity plus an increment for planned productivity gain.
- Divide workload dispositions per judge into total workload to determine the number of judges required to clear the calendar.
- Assign staffing to each judge. Each judge will work directly with a case management team. The calculation of the number of staff per judge will depend upon the standards set by the Chief Justice.
- Determine the number of judges and staff required to clear the calendar.
- Calculate the commodities, communications, travel and other ancillary expenses needed to support the required number of persons.
- Constantly measure performance. Maintain weekly reports to determine progress against goals. Make adjustments by shifting staff as required.
- Use benchmarking to compare performance with other courts. Establish productivity norms. Share case management and other techniques to improve the performance of the less efficient.

In the beginning it may be a challenge to obtain reliable data to make the calculations for calendar clearance purposes. A good statistical database is currently lacking for this purpose. In addition, productivity figures will change due to systems improvement, new staffing arrangements, and better use of technology. Though initially the error margin may be large, the dependability of the statistical system will improve with the expansion in the number of JEMS users and the placement of the need for correct data as a requirement of staff performance evaluations.

Judicial modernization will require larger annual judicial appropriations for recurrent expenditures. In addition, capital sums will be required for courthouse construction or renovation.

The Courts must spend funds prudently. Costs and expenditures must be controlled. With good management, quality justice and good value should be attainable at the level of expenditure that other nations inspired by the rule of law expend to maintain their judiciaries.⁶⁸

Consolidate all annual judiciary budgets

The Director of the Court Management Service, subject to the approval of the Chief Justice, should prepare for presentation to Parliament a consolidated budget for all the courts in the system to be known as the Judicial Branch Operating Budget. Consolidation eliminates budget fragmentation that distorts judiciary needs. Fragmentation may overstate certain items by duplicating them for each court. Comprehensive judiciary budgeting requires an automated budget and accounting system, a budget officer and staff, and a statistician for data collection and evaluation. Expansion will be required to institute trial court budget preparation and expenditure control procedures and extensive staff development and training will be necessary.

Financial Sustainability

In considering its financial plan, the Courts should not lose sight of its contribution to government revenue. While we believe that the Court system can never become fully self-funding, it should establish how much revenue it is now generating, whether that amount can be increased, and what percentage of revenue earned should be ploughed back into the court system on an ongoing basis.

Court fees are often nominal, purposely set low to prevent them from becoming barriers to access. Sometimes court fees are below the point where access is a consideration, not even keeping up with the rate of inflation or in line with growing per capita income. In these cases, increases in court fees should be considered. In the case of court fines, many offenders are given custodial sentences where the level of fines available is not considered a sufficient deterrent or punishment. When “process mapping” is undertaken in the court system, in accordance with Strategy 4.1.5 above, it is likely that a review of court fees and fines, and improving the system for collecting them will be one of the first areas to be considered as an efficiency saving measure. The monitoring and revision of these fees and fines should be incorporated into the annual business planning cycle of the Court Management Service, with a view to determining whether they are meeting established revenue targets for the Courts, and if they are not, taking the necessary action to bring this matter to the attention of the legislature in

⁶⁸ While no hard standard exists, there is some evidence that up to 2% or more of yearly government expenditures may be required to maintain a modern Court system. The amount the Jamaican Courts actually require for yearly costs is a subject for analysis by the groups that will determine the recurrent costs of maintaining a modern Court system.

order to obtain timely legislative intervention. Accordingly, in these cases, increases in court fees should be considered. When “process mapping” is undertaken in the court system, in accordance with Strategy 4.1.5 above, it is likely that a review of court fees and fines, and improving the system for collecting them will be one of the first areas to be considered as an efficiency saving measure. According to the Jamaica Constitution⁶⁹ all revenues collected must be transferred directly to the Consolidated Fund. Hence reforming court fees and fines, so that they more nearly reflect the cost of services provided would provide a strong argument for government to increase budget allocations to the Courts. However it will be important to ensure that there are corresponding investments in legal aid provision to ensure that increases in Court user fees do not impede access to justice for the poor.

Fines and penalties are revenue raisers. The issue here is usually that of collecting the amounts assessed. One of the most important things the Courts can do to increase revenue is simply to improve its method of collecting funds owed to it.

The text of all court reporting transcripts produced for the Court of Appeal, Supreme Court and Resident Magistrates Courts under Strategy 5.2.1 above, should be made available through hard copies or electronically to the legal profession and the wider public for a fee and the fees obtained from this source should be dedicated, to the maximum extent possible, to the ongoing maintenance of the audio and text recording systems. Should this be implemented in the court system, the Chief Justice of Jamaica should be asked to consider using user fees obtained from JEMS in the E-filing area, to offset court expenditures for administration. These user fees would be levied for the electronic filing of court documents and present indications are that such a service would be heavily subscribed to by the Bar and the wider citizenry. A policy dialogue would have to be undertaken by the Chief Justice with the Executive to seek agreement on the proceeds from user fees being made part of a dedicated fund solely available to the Court Management Service for specified system maintenance purposes.

Traffic fines often go unpaid because insufficient effort is made to collect them. Traffic Court computerisation is essential to improved fine collection.⁷⁰ It returns its costs many times over. Computerisation would also allow

⁶⁹ Section 114 of the Jamaica Constitution states that “There shall be in and for Jamaica a Consolidated Fund, into which, subject to the provisions of any law for the time being in force in Jamaica, shall be paid all revenues of Jamaica.”

⁷⁰ At this time the collection of fines is a semi-automated process. The Kingston Traffic Court has computers and is networked with E-mail and Internet access in place. However, the computers are used primarily for administrative purposes such as typing of letters.

computer-generated lists of unpaid fines to be passed on to automobile insurers and those government departments dealing with driver's license renewals, which could assist in the enforcement of collections through refusal to renew automobile insurances and drivers licenses until outstanding fines are paid. This Framework specifically recognizes the efforts being made to address the streamlining of the traffic ticketing system by the Citizens Security and Justice Programme⁷¹ and urges its continuation to conclusion as an important contribution to future justice system financial sustainability.⁷²

The collection of criminal fines and special criminal penalty assessments often are neglected. The judiciary has in its arsenal many tools to enforce its orders and thereby to increase its revenues. The threat of enforcement through criminal contempt sanctions is often enough to make unwilling debtors pay their fines. Reminder notices and warnings of possible arrest, followed by actual police interventions and placing contumacious debtors in custody until they pay, are all part of successful court revenue enhancement programs.

To encourage the court administrative system to become more aggressive about revenue enhancement, the Executive Branch of Government should work out arrangements whereby the system is permitted to keep a substantial amount (40%) of the fees and fines collected.

With regard to the construction of new court facilities, it is our view that while such facilities are likely to have low maintenance costs initially, they are extremely expensive to construct in the first place. It is recommended that the Government of Jamaica pays keen attention to the cost/benefits attached to the construction and maintenance of new court facilities viz. a viz. the purchase of existing facilities that can serve as courthouses (possibly through FINSAC) and their recurrent maintenance costs.

Framework Implementation

As previously mentioned, a new Justice System Reform Implementation Unit will be established in the Ministry of Justice that will be headed by a Director. It will have as its mandate the formulation, development and implementation of policies and systems critical to the administration of justice in Jamaica. It will have close

⁷¹ See details of this programme in Annex C.

⁷² The system is expected to be ready for implementation by January 2009 and contemplates: A centralised database of all traffic tickets, the electronic issuance of Traffic Tickets, the ability to match tickets issued with payment, the ability to match tickets issued with Court decisions, the integrated management of the Demerit Points System, the management of the Warrants process and the integration with the Inland Revenue Department, the Resident Magistrates' Courts and the Island Transport Authority.

working relationships with other justice system actors such as the proposed Court Management Service, the Ministry of National Security,⁷³ the Office of the Director of Public Prosecutions, the Jamaica Constabulary Force, the Department of Corrections, etc. It is likely that this new Justice System Reform Implementation Unit will subsume the functions of the existing Criminal and Civil Justice Administration Unit in the Ministry of Justice⁷⁴ insofar as the maintenance of the necessary liaison relationships with other justice system actors and implementing justice system policy reforms are concerned. The Ministry of Justice will have to make a policy decision as to whether the existing Criminal and Civil Administration Unit's administrative services will also be subsumed under the new Justice System Reform Implementation Unit.⁷⁵ The general stakeholder consensus seems to be that the functions of the new Justice System Reform Implementation Unit should be allowed to pursue its mandate in a single-minded fashion, liaising with other organisational entities in the Ministry of Justice and wider afield, as it sees fit.

A phased approach to Framework implementation is recommended. Year one will focus on building trust and confidence among all stakeholders, primarily on delivering on outputs one, two and three. This initial focus on policy development, capacity development and coordination will provide a strong foundation for the rest of the programme. This will require human resources, technical expertise, facilitation, coordination and planning. Year one will also be used to develop detailed plans for outputs 2, 3, 4 & 6. Years Two and Three will see a programmatic shift from facilitation and coordination into supporting strong implementation of the policies and strategies that have been developed in year one. These years will require the bulk of the financial resources for work in the activities identified.

The Framework strategy is flexible in nature because the activities supported in years two and three will be largely determined by the content of the policies, plans and frameworks developed in year one. Under output four, the programme will conduct a number of reviews and evaluations in year one (for example of the peace and justice centres). The outcomes of these reviews will inform the targeted implementation of specific

⁷³ An existing example of a close working relationship between Ministries exists in the case where the Ministry of Justice is jointly responsible with the Ministry of National Security for the implementation of the Citizen Security and Justice Project. The project was initiated when the ministries were combined; however since the 2003/2004 financial year, each Ministry has been implementing aspects of the project relevant to its portfolio.

⁷⁴ The Criminal and Civil Justice Administration Unit is itself part of a wider Strategic Planning Policy Research Evaluation Division of the Ministry of Justice and its Mission is: "To administer and coordinate with the relevant authorities to ensure the efficient and effective implementation of policies and operations affecting the Administration of Justice."

⁷⁵ Some of the administrative services provided relate to: the expunging of criminal records, selection of Notaries Public and Justices of the Peace, registration of complaints, issuing of marriage licenses and executing extradition requests.

activities, in this case the utilisation of the peace and justices centres as focal points for the delivery of various community services. The recommended activities for implementation will therefore need to be reviewed, and if necessary adjusted, on an ongoing basis to ensure their relevance to justice sector development. The progress made in IDP coordination will also partly determine the focus of activities implementation as it is hoped that this will facilitate increased opportunities for joint programming with other IDP's. The mobilisation of key civil society actors to carry proposed justice sector reforms directly to the people living in targeted communities that are vulnerable to criminal and other negative influences, represents a challenge which must be met if the justice sector reforms identified are to be achieved, with particular reference to reducing court case backlogs.

The sustainability of programme interventions is an important concern and so a significant part of the Framework is focused on capacity development, the revision of user fees and the more effective collection of outstanding fines. As part of this strategy, technical advisers could be utilised by the Court Management Service to help build capacity, transfer skills and provide focal points for activities coordination. These advisers will all be cognisant of the need to consider the gender implications of any recommendations made for systemic improvements. With regard to Non-Governmental Organisations which might be asked to assist in the implementation of social impact activities, it is recommended that the NGO's or CSO's chosen have a reasonable track record of sustainability, or multiple sources of income, so that significant portions of the funds available for the conduct of planned citizen development activities are not diverted towards the shoring up of their implementation systems and the computerisation of their operational processes.

Knowledge management and capturing lessons learned are central aspects of the Framework. As the UNDP's Jamaica Violence Prevention, Peace and Sustainable Development Programme intends to support the development of an online resource centre, to be run by the Government of Jamaica, which will be a central repository of knowledge on security and justice in Jamaica, it is important that all our justice sector public education efforts steer potential users to this centre when it is established.

Gender Considerations

In Jamaica there has been a focus on improving the general social and economic conditions of women within the broader context of economic and social development. Some emphasis has been placed on offering training and education to the various officials and professionals on whom victims of gender-based violence must rely for protection, help, information, financial assistance, or redress. These initiatives, unfortunately, have rarely been

sustained. The full implementation of the provisions of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women has not been seriously treated as a priority in Jamaica.⁷⁶ This unsustained implementation of the Convention provisions can certainly be blamed (as it often is), on the general shortage of financial and human resources available to complete the task. However, several additional difficulties are being encountered that are rarely addressed in a systematic manner. Social attitudes and cultural practices have created powerful obstacles to effective interventions. The Government of Jamaica has provided assistance to various non-governmental organisations and women's groups to offer the most basic level of support and assistance to women victims of violence. However, these organisations experience ongoing challenges in securing funding and recruiting and retaining volunteers. During a meeting of experts in Georgetown, Guyana in 2002 focusing on the implementation of the Inter-American Convention in the Caribbean sub-region, it was pointed out that the eradication of violence against women required a coordinated, multi-faceted approach to address its causes and consequences:

“In the Caribbean, much like elsewhere, comprehensive approaches are required which include prevention and education, law enforcement, provision of support services for victims, as well as rehabilitation for offenders.”⁷⁷

With respect to the justice sector, these comprehensive approaches must include clear strategies on how to mobilize the relevant agencies within the sector, overcome cultural and attitudinal resistances to change, implement justice and law enforcement reforms, provide services for victims, and establish data collection, change monitoring and evaluation systems. There are some significant issues surrounding women's access to justice that must be dealt with as part of broader justice sector reforms. The OAS expert group identified development issues as part of the underlying factors associated with gender-based violence and listed the following access to justice issues for victims of gender-based violence: (1) the inadequate response of police to situations involving violence against women; (2) the lack of awareness of legislative measures to protect these victims; (3) the reluctance of victims to utilise judicial processes, often as a result of fear or economic dependence; (4) the lack of effective legal aid; and (5) judicial attitudes and court inadequacies.

⁷⁶ It should be noted that females continue to be more than twice as likely to be victims of crimes as males. See page 2 of “Ministry of Justice Victim Support Unit Achievements, January 2007-September 2008.”

⁷⁷ Inter-American Commission on Women, Final Report –Meeting of Experts of the Caribbean Sub-region – Violence in the Americas, 2002, page 10.

The Women's Manifesto was developed by a coalition of 25 Jamaican organisations, on the eve of the 2002 general elections. It contains a 15-point statement of actions needed for achieving gender justice and protection of women's rights. The basic premise of the Manifesto is the need for legal and policy reform to support women's enjoyment of the right to life, to security of the person and to the protection of the law. It places particular emphasis on protection from sexual violence and exploitation, as a critical issue requiring immediate intervention. It is contended that while Jamaica is well ahead of other developing countries in gender equality and women's rights, the absence of a strategic gender policy and plan has resulted in significant anomalies. The existing policy on women was completed in 1987 and is in some respects out of date with current thinking. Jamaica's progress in law reform is even more deficient, with some statutes reflecting nineteenth century positions on women. A number of Bills intended to modernize legal protection from sexual violence and exploitation have lingered in parliament since 1995. The threats to development caused by crime and violence, unemployment and poverty are in particular need of gender-based analyses and interventions. The demands of Jamaica's multilateral obligations have continued to create a context in which gender issues can no longer be ignored or sidelined. Jamaica has commenced some degree of gender differentiation in the collation of statistics and the analysis of policies and programmes, but has not yet attained international benchmarks for gender mainstreaming.⁷⁸

Implementation Partners

Reference has already been made to the fact that it is envisaged that the Government of Jamaica, the Courts, the Jamaica Constabulary Force and the Department of Corrections will play an important role in the implementation of Framework recommendations. The role that civil society organisations can play in collaborating with Government on policy issues has been identified in the Vision 2030 Jamaica-National Development Plan.⁷⁹ The contribution that private sector and civil society organisations bring to the justice sector can be split into three broad areas:

- As providers of services to users of the justice system: e.g. Legal aid provision.
- As trainers e.g. Training the police to more effectively respond to domestic violence issues.

⁷⁸ Extracted from "Gender based Guidelines for Legal and Policy Reform" prepared by Tania Chambers, Attorney at Law, for MSI/CIV-JAM.

⁷⁹ Page 2 of the Overview to the Plan states, "The plan is being developed with broad-based support across every strata of the society. The PIOJ, in its role as the main planning agency in Jamaica, is leading and facilitating this collaborative process, incorporating the support from private sector groups, civil society and in the Diaspora."

- As representatives of particular groups of citizens, most often those who do not appear to have a “voice” in influencing decisions: e.g. people with visual difficulties may need bigger signs; those with physical disabilities may need an escort in accessing public buildings; and
- As promoters of change, as lobbyists and advocates for improvement in the delivery of justice.⁸⁰

For successful implementation of the Framework, the Government of Jamaica’s partnership with the private sector and civil society will need to be extensive in nature. A prime example of how this partnership could evolve is seen in the case of the Peace and Justice Centres that have already been established in some communities by the Dispute Resolution Foundation in conjunction with the Ministry of Justice. They have been effective in providing a one-stop centre for citizens for legal advice and mediation and supporting the work of the police and courts in tackling crime and violence. There is the potential of expanding the number of centres and their capacity to deliver services as part of the implementation of the Government of Jamaica’s proposed restorative justice policy. The Department of Corrections is keen for these centres to assume a role in supervising community service orders issued by the Courts and it could be stipulated that a condition of such orders is for orderers to attend the centres which could act as work agencies. This would help reintegrate offenders back into communities as well as reduce recidivism. The centres could also be used as focal points for the expansion of legal aid services beyond Kingston and Montego Bay as is the case at the moment. A close working relationship with the UNDP’s Jamaica Violence Prevention Peace and Sustainable Development Programme, described in Annex C, is recommended, as that project has as one of its mandates the establishment of new centres throughout Jamaica.

The Justice Reform Implementation Unit in the Ministry of Justice will make a strong linkage with those civil society actors that can most positively impact the Framework. It is envisaged that strong partnerships will be forged with a range of non-governmental organisations and community-based organisations in this regard. However in order to ensure that these organisations preserve their independent mandates, it will be necessary to consider a separate funding allocation for NGO’s on which they can draw and account for the proceeds separately from the Government of Jamaica. As it is likely that relevant private sector and civil society organisations will have significant implementation track records, it is not envisaged at this time that substantial

⁸⁰ It is recommended that civil society representatives actively monitor and report on the state of police detention facilities in each parish. This reporting and monitoring function should be conducted in conjunction with representatives of the Jamaican Bar Association, local Justices of the Peace and other relevant civil society group representatives.

amounts of funding will be spent in shoring up their implementation capabilities to the detriment of providing funding to potential beneficiaries of their services.

Justice and security are viewed as priority areas for support by a significant number of Jamaica's main IDP's. CIDA is engaged in justice sector reform, DFID is supporting police reform programmes, the EU is planning budget support to the Government of Jamaica to facilitate assistance to the justice and security sectors, USAID is supporting community policing as well as civil society mobilization and involvement in crime and violence reduction, and the World Bank and Inter-American Development Bank are supporting security, civil society and infrastructure development programmes. Jamaican private sector and civil society organisations are also increasingly focusing on security through a range of projects. However, this array of initiatives by different stakeholders lacks coordination. There are therefore great opportunities for the Planning Institute of Jamaica to initiate a strong coordinating role in this sector with a view to engaging donors/lenders such as CIDA, the EU, the UNDP, IDB, DFID and USAID as key allies for integrated justice system improvements. It should also be borne in mind that the Ministry of Justice has formally requested that CIDA takes charge of donor coordination for justice sector reforms in Jamaica as compared to the UNDP that usually coordinates donor efforts in other development sectors.

In implementing Framework recommendations, the Government of Jamaica is advised to form partnerships with relevant local private sector and civil society organisations as well as with international Diaspora Organisations that may be able to provide expertise in specialized justice system and social policy development areas. The activities of Diaspora associations often referred to as "Hometown Associations"⁸¹ have been recognized in recent years as a result of increasing awareness of the important role emigrants play in regional economic development. Although there is not yet any regional strategy to identify the role of the Caribbean Diaspora Associations, there are national initiatives in Jamaica.⁸² The motivation of the Jamaican Diaspora to participate in a Hometown Association is largely driven by the need to develop their community, family issues and development concerns in the country. A significant number of members of the Diaspora are of the view that their commitment could be higher if they were sure that their contributions were being properly used and if they

⁸¹ There are also Homecoming Associations in Jamaica that organise homecoming events at the parish level. There are also Returning Residents Associations that advocate on behalf of Returning Residents.

⁸² Jamaica has been reaching out to its Diaspora communities through the Minister of State in the Ministry of Foreign Affairs. A national Jamaican Diaspora conference was held in 2004 with Diaspora members from Canada, the US and UK. As an outcome of the conference there was the creation of a website, the designation of June 16th as Diaspora Day and the creation of a Diaspora Foundation to coordinate research and the development of a skills database, among other things.

had better information on governments' priorities for development.⁸³ Most of the remittances to the Caribbean come from a few major countries such as the United States, Canada, Great Britain, the Netherlands and Spain among others.⁸⁴ In the case of Jamaica, the remittance figure for 2007 was US\$1.97 Billion, which substantially exceeded all the other remittances for the countries of the OECS and the other CARICOM countries, including Haiti. However, the Diaspora's potential for impact in the area of the justice sector has not been explored. In this regard, the existing Diaspora contact information stored in the Ministry of Foreign Affairs should be utilised with a view to making an early outreach to the Diaspora in Canada, the United States and the United Kingdom to gauge its interest in participating in Framework implementation.

Monitoring and Evaluation Arrangements

Effective monitoring and evaluation is vital to the success of the Framework recommendations. This section sets out the arrangements for monitoring and evaluation (M&E) of the Framework.

The objectives of monitoring and evaluation of the Frameworks' contents are to-

- Measure progress towards the outputs of the Framework.
- Link with the GOJ's Medium Term Socio Economic Framework (being administered by the Planning Institute of Jamaica).
- Evaluate progress against specific time limited targets.
- Provide timely, accurate and useful information to stakeholders on the status of implementation.
- Provide a basis for making informed decisions on the future direction of Framework items, and in the development of justice sector policy.
- Provide a consistent framework within which progress on all key justice sector reform activities can be assessed, compared and coordinated.
- Provide an entry point for private sector and civil society involvement in monitoring and therefore in prioritisation and resource allocation.
- Assess the impact of specific Framework interventions, and provide data for the design of new interventions; and

⁸³ See Issue 3 of the Focus Newsletter for the United Nations Economic Commission for Latin America and the Caribbean (UNECLAC), dated July-September 2007.

⁸⁴ Based on data provided by the United States Bureau of Census, of all foreign nationals living in the United States, 10% are of Caribbean origin with the majority coming from Cuba (34%) and the Dominican Republic (25%) and more than 10% from Haiti and Jamaica.

- Monitor key indicators in other programmes that are critical to the success of Framework recommendations (e.g. improved prison rehabilitation conditions; improved police investigative processes).

All the institutional organisations mentioned in the Framework are involved in monitoring and evaluation.

M&E is a critical part of the institutional structure for implementation of the Framework. The key M&E institutions will be-

- **The Justice System Policy Review and Monitoring Committee – providing M&E at the strategic level**

As part of the Justice Reform Implementation Unit, the JSPRMC will provide strategic and policy level monitoring of the Framework, bringing together representatives of the Government and the Judiciary at the highest levels to assess progress against key Framework indicators every quarter. The Minister of Justice and the Chief Justice of Jamaica will jointly chair this Committee. The Committee will work to enhance the openness and transparency of its proceedings to foster greater public accountability for progress towards the attainment of Framework objectives. The membership of the steering committee should be widely drawn from state and non-state actors to provide a representative forum of justice sector stakeholders. In particular, it should be comprised of senior representatives of the Judiciary, the members of the High Advisory Council to the Minister of Justice and Attorney General, the Director, Justice Reform Implementation Unit of the Ministry of Justice, the Jamaica Constabulary Force, the Department of Corrections, the Office of the DPP, Probation Officers, whose critical interface with the Court system determines in a number of areas its smooth and efficient functioning. The Committee will undertake regular monitoring of progress on the implementation of the Framework. In addition, the Committee will meet with relevant International Development Partners on an annual basis for joint review of Framework progress. The aim of the review will be to receive M&E reports on implementation progress and emerging issues in the sector. Consideration should be given to including a wider range of stakeholders at the annual review than is possible at regular Committee meetings, to ensure that all stakeholders (including as wide a range of private sector and civil society stakeholders as possible) have the opportunity to raise issues of concern, and make practical suggestions to enhance the impact of reforms.

- **The Technical Secretariat and Change Management Teams – responsible for M&E on a day-to-day basis**

The Technical Secretariat will be responsible for working with change management teams to coordinate all M&E processes for the Framework, including –

- Development of monitoring indicators and identification of suitable monitoring instruments

(Based on those set out in the performance indicators framework in Annex A).

- Commissioning baseline and follow up studies.
- Commissioning impact assessments of specific interventions.
- Ensuring engagement by key stakeholders – including all justice sector institutions and their users – in the Framework M&E process.
- Preparing and disseminating M&E reports; and
- Providing M&E inputs for all justice sector aspects of the Government’s Medium Term Social and Economic Policy Framework.

The Performance Indicators contained in Annex A will allow progress to be measured over time.

The key to successful monitoring is to have a clear understanding of the intended goals and objectives of the Framework. These are the variable bases for evaluating success; for assessing the reasons for any over or under achievement; and for developing changes to objectives or to implementation priorities.

The Framework explicitly sets out its outputs, and the monitoring instruments that will be used to gather performance data. The performance indicators elaborate the Framework objectives in terms of quantity, quality, time and place. They focus on important characteristics, defining performance standards, specifying evidence of achievement and providing the basis for monitoring and evaluation.

The selection of indicators has been flexible to reflect the fact that priorities are likely to change over time, and it will be necessary to build on successful interventions and modify less successful ones. The development and validation of monitoring instruments will be a key task of the Technical Secretariat, working with the change management teams.

Monitoring instruments for gathering performance data

Proposed monitoring instruments in relation to each performance indicator are set out in the Annex A Logical Framework. Identification of monitoring instruments is important, because to be usable, indicators must be based on obtainable data. Means of verification must exist that are available, reliable, practical and affordable.

The aim has been to rely on more than one data source for each indicator. Relying on just one type of information – for example, national statistics – may give a distorted picture. Where possible, a variety of sources, such as user surveys and third party reports have been included. Third party reports have the advantage of giving credibility to the monitoring process. As far as possible, in order to ensure cost-effective data collection, it is proposed that monitoring instruments that are already in existence should be used for Framework monitoring. The aim should not be to impose a new monitoring regime, but to link in with ongoing processes. A particularly valuable survey instrument is the Caribbean-wide comparative survey of users and providers of justice sector services, last undertaken under the auspices of the Caribbean Group for Cooperation in Economic Development (as it then was) in 2000.⁸⁵ This survey covers ten countries including Jamaica, and provides detailed quantitative and qualitative feedback on the perceptions of users and providers regarding the efficiency, effectiveness and accessibility of services from a wide range of justice sector institutions. The 2000 survey provides a comprehensive, albeit slightly out-of-date, baseline for the present Framework. Future surveys utilizing the same methodology, but focused specifically on Jamaica, will enable progress against this baseline to be determined.

⁸⁵ Challenges of Capacity Development: Towards Sustainable Reforms of Caribbean Justice Sectors: Volume II: A Diagnostic Assessment, May 2000.

Annex A
Justice Transformation Policy Agenda Performance Indicators Logical Framework
Planning period: 5 years: 2009 – 2014

Narrative Summary	Objectively Verifiable Indicators	Measurement
Goal: Safety, security and access to justice for all		
Purpose: To deliver a justice system that is more trusted, accessible and accountable and works together with civil society to deliver all necessary services efficiently and effectively.	<ul style="list-style-type: none"> • Score and rank for effectiveness of justice system/rule of law in periodic international surveys. • Score and rank in Transparency International surveys relating to justice sector corruption. • World Bank Cost of Doing Business indicators. • Crime Statistics. • Public perceptions of safety, security & access to justice • Proportion of poorest 10% of households with positive attitude to justice system. 	<ul style="list-style-type: none"> • Economic Intelligence Review. • Transparency International Reports. • World Bank Cost of Doing Business Report. • JCF Statistics. • User Perception Surveys. • User Perception Surveys.
Outputs/results		
1. Enhanced capacity of justice sector institutions to deliver services efficiently and effectively.	<ul style="list-style-type: none"> • Number of serious crimes reported (% violent crimes; crimes against women etc.). • Number of cases prosecuted as a proportion of cases reported. • Case clear-up rate. • Proportion of successful DPP prosecutions. • Proportion of prisoners on remand. • Proportion of Supreme Court and Magistrates Court registries (including preliminary inquiries) > 1 year old, > 3 years old. • Backlog of Court of Appeal cases. • Average numbers of 	<ul style="list-style-type: none"> • JCF Statistics. • DPP Statistics. • Court Management Service records. • DPP Statistics. • Department of Corrections Statistics. • Supreme Court and RM Courts Registries. • Court of Appeal Registry. • Magistrates Court Registries and

Narrative Summary	Objectively Verifiable Indicators	Measurement
	<p>adjournments for more than one day of Magistrates and Supreme Court cases.</p> <ul style="list-style-type: none"> • Proportion of Supreme Court and Magistrates Court cases referred to ADR. • Time taken for cost assessments in civil cases. • Proportion of defendants bailed. • Level of use of probation orders and community service orders. • Level of prison overcrowding. • Prisoner's death / illness rates. • Number of judicial review cases per annum. • Level of citizen satisfaction with the time taken to settle claims and awards made in favour of citizens against agents of the State (e.g. Police, medical personnel, etc.). 	<p>Supreme Court Registry.</p> <ul style="list-style-type: none"> • DRF Records. • Attorney Surveys, Civil Court Registries. • Court Registries. • Court Registries. • Department of Corrections Records. • Court of Appeal Registry. • Citizen Surveys.
2. Strengthened linkages between justice sector institutions	<ul style="list-style-type: none"> • Efficiency savings achieved in justice sector. • Extent of application of efficiency savings within sector. • Time and cost of key justice sector processes e.g. arrest through to sentencing or acquittal for specific categories of crime; average time taken to process court cases. • Number and quality of meetings between justice sector institutions. • Proportion of magistrates, judges, probation officers and police with ability to resolve cases involving juveniles with respect for human rights and international standards. • Proportion of juvenile offenders in appropriate care. 	<ul style="list-style-type: none"> • Semi-Annual Reports of Efficiency Savings Team. • GOJ Budget allocations. • Court Management Service statistics. • Minutes of Justice Reform Implementation Unit. • UNICEF Statistics. • Department of Corrections Statistics.
3. Improved access to justice	<ul style="list-style-type: none"> • Survey of perceptions of barriers 	<ul style="list-style-type: none"> • User Perception Baseline

Narrative Summary	Objectively Verifiable Indicators	Measurement
	<p>to justice among different categories of citizens, including poor and vulnerable groups.</p> <ul style="list-style-type: none"> • Quality, coverage and uptake of legal aid services. • Quality, coverage and uptake of ADR. 	<p>Studies.</p> <ul style="list-style-type: none"> • User Perception Studies, Annual Reports of Legal Aid Clinics. • Supreme Court and RM Court Records, DRF Records.
4. A strong judiciary and workforce	<ul style="list-style-type: none"> • Observation of whether legislation is in place to protect the judiciary's independence and its ability to function in an unfettered fashion. • Type and relevance of training programs in place for Judges, RM's, court staff. 	<ul style="list-style-type: none"> • Legislative records of Parliament, Jamaica Gazette. • Observation of the training programs conducted by the Justice Training Institute; trainee surveys.
5. Establishing a sound Court Infrastructure	<ul style="list-style-type: none"> • Court Infrastructure planning and delivery takes place on a holistic basis. 	<ul style="list-style-type: none"> • Court Facilities Master Plan.
6. Implementation of a social component to the delivery of justice	<ul style="list-style-type: none"> • Private sector/Civil Society Organisations engage in partnerships that result in the delivery of services to persons and communities at risk of future negative justice system attention. 	<ul style="list-style-type: none"> • Private sector/Civil society and GOJ partnership agreements. • Private sector, NGO and CSO records. • Citizen Surveys.
7. Strengthened public trust and confidence	<ul style="list-style-type: none"> • Level of citizen's trust in and satisfaction with different components of the justice system (courts, police, lawyers, etc.). • Improved human rights outcomes. 	<ul style="list-style-type: none"> • User Perception Survey Reports; CGCED 2000 justice system surveys for Jamaica. • Transparency International Reports.

Annex B
Justice Transformation Policy Agenda Action Plan
2009-2013
Summary of Framework Costings

	Framework Costings (J\$000's)					
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Output 1: Fair and Timely Case Resolution	1,316,440	753,500	306,500	278,000	278,000	2,932,440
Output 2: Improved Access to Justice	7,700	0	0	0	0	7,700
Output 3: A strong judiciary and workforce	89,180	89,180	89,179	89,179	89,179	445,897
Output 4: Strengthened linkages between justice sector institutions	149,712	149,922	149,922	149,922	149,922	749,400
Output 5: Establishing a Sound Court Infrastructure	3,000	184,000	100,000	75,000	75,000	437,000
Output 6: Implementing a social component to the delivery of justice	210,000	222,000	224,000	224,000	220,000	1,100,000
Output 7: Strengthened Public Trust and Confidence	233,935	112,563	114,750	116,937	110,375	688,560
Total all output areas	2,009,967	1,511,165	984,351	933,038	922,476	6,360,997

Notes to Costings:

- Costs are stated in thousands of J\$.
- The costings include only incremental capital and operating costs of implementing the Framework, which is likely to be financed in the main, from the Government of Jamaica budget.
- The costings do not include routine recurrent Government of Jamaica costs such as civil servants salaries.
- The most recent recurrent cost estimate for the maintenance of courthouse infrastructure over the next five years (2009-2013) is \$480,000,000.
- The costings are based on the estimated cost of implementing Framework activities that are not already provided for under other programmes.
- Indicative costs are computed using the following estimated unit costs:
 - Technical assistance/consultancy (short term): US\$1,000 per person per day (average rate of local and international consultants, inclusive of expenses).
 - The rate of exchange between the US\$ and the Jamaican \$ is US\$1= J\$85.

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Annex C
Ongoing Donor/Lender Justice Sector Development Assistance Initiatives in Jamaica

	Initiative	Expected Outputs	Beneficiaries	Executing/Funding Agency
1.	Justice Undertakings for Social Transformation (JUST) 2008-2012 (CIDA) CDN\$17.5 million	<p>1. Support the strengthening of legislation.</p> <p>2. Assist in strengthening the capacity of government institutions.</p> <p>3. Address broader social issues having an impact on personal security and the proper functioning of society.</p>	Government and citizens of Jamaica.	Government of Jamaica/Department of Justice, Canada.

	Initiative	Expected Outputs	Beneficiaries	Executing/Funding Agency
2.	Jamaica Violence Prevention, Peace and Sustainable Development Programme 2008 –2010 (UNDP) US\$4 million	<p>1. Enhanced design of armed violence prevention policies and programmes.</p> <p>2. Increased capacity of institutions to prevent armed violence and increase community safety.</p> <p>3. Increased effectiveness and coherence of international support to armed violence prevention policies and programmes.</p> <p>4. Enhanced safety in target communities.</p> <p>5. Development of UN Country Team. Programme on armed violence prevention.</p>	Government and citizens of Jamaica.	Government of Jamaica/UNDP.

	Initiative	Expected Outputs	Beneficiaries	Executing/Funding Agency
3.	European Union Budget Support to the Government of Jamaica - Euros 1.18 million	1.Effecting a major reduction of the backlog of criminal cases in the Supreme Court.	Government and citizens of Jamaica.	Government of Jamaica/EC.
4.	Citizen Security and Justice Project 2003-2009 (IDB) US\$18,680,000: IDB Contribution (US\$14,550,000); GOJ Contribution (\$US 4,130,000)	1.Prevent and reduce crime and violence 2.Strengthen GOJ crime management capabilities 3.Improve delivery of judicial services.	Government and citizens of Jamaica.	Government of Jamaica/IDB.

Annex D

S.W.O.T. ANALYSIS

The strengths, weaknesses, opportunities and threats confronting the justice system were compiled during consultations with a representative sample of justice system stakeholders over the period October 11, 2008 to January 11, 2009. The elements identified can be summarized in the following tables:

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> ▪ Enshrined Constitutional protections for the higher judiciary, which buttresses its independence. ▪ The justice reform process is strongly buttressed by a high calibre High Advisory Council to the Minister of Justice and Attorney General. ▪ The establishment of a new Court Management Service, which allows the Chief Justice to directly administer the courts' budget. ▪ Transparent and objective selection process for members of the judiciary. ▪ A judiciary that is ethical, fair and independent ▪ Commitment on the part of the Chief Justice and other members of the judiciary to building strong internal management and operational systems. ▪ Strong commitment to reform to meet the dynamic needs of the socio-economic environment. ▪ Strong and abiding support for the Court by the Executive Branch of Government. ▪ The regional and international credibility and respect accumulated by the court system over time. ▪ Strong interest in improving community policing on the part of the Government of Jamaica. ▪ Established Peace and Justice Centres that have demonstrated that they can effectively deliver social services to communities which are susceptible to negative influences such as crime and violence. 	<ul style="list-style-type: none"> ▪ The independence of Resident Magistrates is not constitutionally protected. ▪ Limited number of Court Administrators in Supreme Court. ▪ Weak human resources management systems in Supreme Court and Resident Magistrates Courts. ▪ Lack of an integrated computer system between Supreme Court, Magistrate Courts and office of the Director of Public Prosecutions. ▪ Poor communications within the Court structures and between the Court, its stakeholders and the general public. ▪ Unpredictable flows of financial resources from the Executive Branch of Government. ▪ Limited internal support facilities such as the library. ▪ Poor accommodation for the courts accompanied by inadequate facilities for the judiciary and professional, technical and administrative staff. ▪ There is no effective delivery of targeted social interventions in communities whose citizens are vulnerable to being drawn into crime and violence.
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> ▪ Substantially reduce case backlogs in the Supreme Court and RM Courts. ▪ Develop a sustainable funding mechanism for the Court of Appeal, Supreme Court and RM Courts that would ensure substantial financial independence. ▪ Institute constitutional protections for RM's along the lines enjoyed by the higher judiciary. ▪ Increase the jurisdiction of the RM Courts. ▪ Provide Justices of the Peace with the jurisdiction to try more types of cases that will relieve the backlog of cases in the RM Courts. 	<ul style="list-style-type: none"> ▪ Deteriorating economic conditions in Jamaica and its partner countries seriously hamper the amount of financing which the Executive can provide for the justice system. ▪ Natural disasters striking Jamaica which seriously degrade the gains which might be made to courthouse infrastructure over time and make the criminal case backlog reduction objectives for the Supreme Court and RM Courts more difficult to attain. ▪ Inability of the Courts to sufficiently convince

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<ul style="list-style-type: none"> ▪ Expand the training opportunities and strengthen internal training systems for the judiciary and professional, technical and support staff. ▪ Strengthen the training capabilities and training course delivery of the Justice Training Institute. ▪ Establish a Human Resources Division in the Supreme Court. ▪ Develop a comprehensive human resource plan for all levels of staff. ▪ Introduce efficient case management systems in the Supreme Court and RM Courts. ▪ Expand the adoption and use of ICT to enhance efficiencies and reach out to stakeholders and the general public. ▪ Establish a permanent and autonomous Law Reform Commission. ▪ Establish a strong linkage between a more efficient justice system and the delivery of targeted social interventions by civil society representatives, which is designed to assist in the reduction in the backlog of criminal and civil cases clogging the justice system. 	<p>the public that by the speed of its case dispositions, the use of the courts' service represents a viable alternative to the adoption of self-help measures to vindicate their rights.</p>
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Annex E

Delphi Technique

The Delphi technique has court clerks to estimate the amount of time each case type takes by assessing the time it takes to perform the various functions in each case type. Clerks also assess case complexity which is factored with those values. This results in an “average” time per case, which is then divided into the number of available hours to enable court staff to arrive at a Workload Standard. The formulae used to calculate the workload standards are as follows:

$$\text{Time of Function} \times \text{Percentage of Complexity} = \text{Time per Case}$$

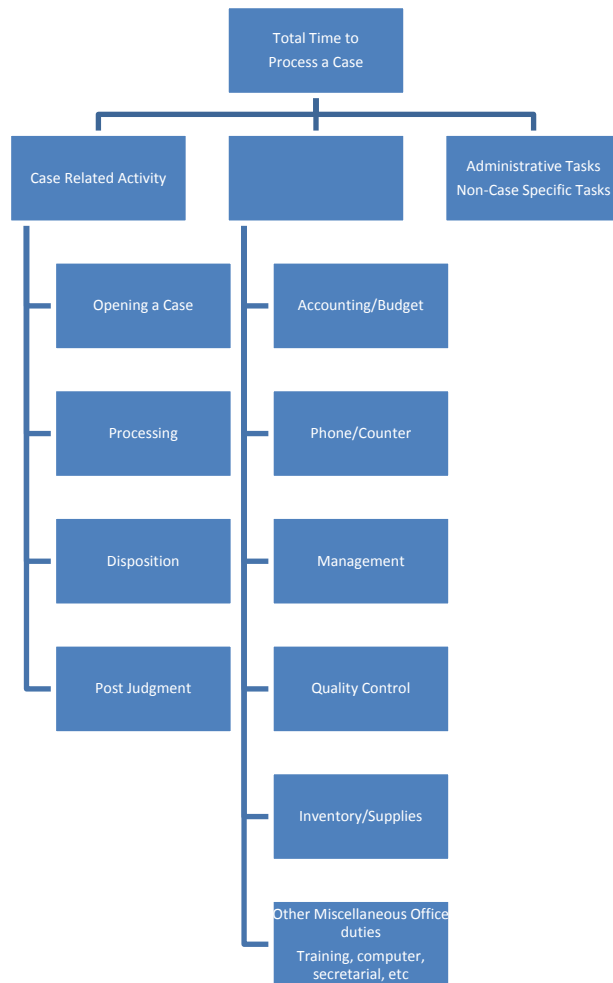
$$\text{Available Time} / \text{Time per Case} = \text{Workload Standard (Number of Cases)}$$

Eight steps can be taken to produce the workload standards:

- Determine the functions involved with processing cases which are to be measured.
- Establish the case types for which workload standards standards will be developed.
- Measure, through surveys, the time it takes to perform these functions.
- Determine the number of cases that are filed in each work shift.
- Determine the distribution of complexity for each case type.
- Determine the time available to court staff to perform these functions.
- Calculate the workload standards.
- Validate the standards.

As with any self-reporting technique, individual responses may vary from the actual time it takes to complete a task.

Delphi Technique Diagram



Annex F
Stakeholders Consulted

Name	Position	Address	Phone/Fax	Email
Sen. The Hon. Dorothy Lightbourne, Q.C.	Minister of Justice & Attorney General	2 Oxford Road Kingston 5	906-7665 906-1682	dlightbourne@moj.gov.jm
The Hon Dennis Lalor, O.J., High Advisory Council to Minister of Justice & Attorney General	Chairman	ICWI Building, 2 St. Lucia Avenue	926-2916	dhlalor@icwi.net
Mr. Joswyn Leo-Rhynie, High Advisory Council to Minister of Justice & Attorney General	Member			jos.leorhynie@gmail.com
Mrs. Rose-Marie Gibbs, High Advisory Council to Minister of Justice & Attorney General	Member	King's House, Hope Road	978-0553	rgibbs@kingshouse.gov.jm
Mrs. Carol Palmer, Ministry of Justice	Permanent Secretary	2 Oxford Road Kingston 5	906-2404	psec1@moj.gov.jm
Mrs. Kadian James-Green, Ministry of Justice	Executive Assistant to Permanent Secretary	2 Oxford Road, Kingston 5		kjgreen@moj.gov.jm
Mr. Peter Parchment, Ministry of Justice	Director of Strategic Planning	2 Oxford Road, Kingston 5	906-3850	pparchment@moj.gov.jm
Mr. Debon Panton, Ministry of Justice	Director, Management Information Systems	2 Oxford Road, Kingston 5		

Name	Position	Address	Phone/Fax	Email
Colonel Trevor McMillan, Ministry of National Security	Minister of National Security	7 th Floor, NCB North Tower, 2 Oxford Rd.	906-2406 906-5105	trevormcmilion@mns.gov.jm
Mr. Gilbert Scott, Ministry of National Security	Permanent Secretary	7 th Floor, NCB North Tower, 2 Oxford Road	906-9408-31	gilbert.scott@mns.gov.jm
Mr. Albert Edwards, Ministry of Justice	Chief Parliamentary Counsel	2 Oxford Road	906-1717 906-5214	aledwards@moj.gov.jm
Mr. Douglas Leys, Q.C., Ministry of Justice	Solicitor General	2 Oxford Road	754-5158 906-2407	dleys@agc.gov.jm
Mr. Kurt Rattray, Ministry of Justice	Deputy Director of Legal Reform	Legal Reform 1 st Floor, North Tower, 2 Oxford Road	906-4923 906-4139	
Mr. Henderson Downer	Acting Children's Advocate	72 Harbour Street	967-5890 922-6785	childrensadvocate.ja@yahoo.com
Ms. Allison Anderson, Child Development Agency	Chief Executive Officer	48 Duke Street	948-1250	andersona@cda.gov.jm
Major Richard Reese, Department of Corrections	Commissioner of Corrections	5-7 King Street	750-3650 967-2638	comm.dcsj@cwjamaica.com
The Hon. Mrs. Justice Zaila McCalla, OJ	Chief Justice of Jamaica	Public Buildings, King Street	922-2933 967-0669	chiefjustice.zaila.mccalla@sc.gov.jm
The Hon. Mr. Justice Seymour Panton, OJ	President of the Court of Appeal	Court of Appeal Building, corner of King & Tower Streets	922-7000 967-4177	coolie_gal_jm@yahoo.com
Mrs. Arlene Williams, Justice Training Institute	Acting Director	4 Camp Road, Kingston 4	928-4824 928-5866	
Mr. Marlon Watson, Justice Training Institute	Accountant	4 Camp Road, Kingston 4	928-4824	mwatson@moj.gov.jm

Name	Position	Address	Phone/Fax	Email
Mrs. Paula Gracie, Ministry of Justice	Principal Finance Officer	Ministry of Justice, 2 Oxford Road		pgracie@moj.gov.jm
Mrs. Arlene Harrison-Henry, Independent Jamaica Council for Human Rights	Chairman	131 Tower Street, Kingston	967-1204	ahh@gmail.com
Mr. Ryan Hall, Lay Magistrates Association	Vice President	5 Camp Road		
Mrs. Donna Parchment- Brown, CD, Dispute Resolution Foundation	Executive Director	5 Camp Road	906-2456 754-9769	drf@drfja.org
Ms. Barbara Scott, Planning Institute of Jamaica	Director, Functional Cooperation	16 Oxford Road	960-9339 906-4465	bscott@pioj.gov.jm
Mrs. Pamela Harris, Supreme Court	Registrar of the Supreme Court	King Street Kingston	922-8300 967-0669	
Ms. Keri Johnson	Secretary, Cornwall Bar Association	Telstar Cable Building, 109A Constant Spring Road	971-3963	kerij2@cwjamaica.com
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Mrs. Jackie Samuels-Brown, Jamaica Bar Association	President	66 Barry Street	922-2319 967-3783	firmlaw@cwjamaica.com
Mr. George Soutar, OD, Advocates Association	President	7 Duke Street	922-9209 948-0944	ggslaw@yahoo.com
Ms. Paula Llewellyn, CD, Q.C.	Director of Public Prosecutions	DPP's Office, Corner of King and Tower Streets	922-6321-5 922-4318	dpp@moj.gov.jm

Name	Position	Address	Phone/Fax	Email
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Rear Admiral Hardley Lewin, CD, Jamaica Constabulary Force	Commissioner of Police	101-103 Old Hope Road, Kingston 6	927-4312 927-7516	cpsecretariatjcf@yahoo.com
Professor Barry Chevannes, University of the West Indies	Professor	Mona, Kingston 7	977-6035 /1605 702-3939	barry.chevannes@uwimona.edu.jm
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Ms. Itziar Gonzalez, UNDP	Assistant to Governance Specialist	1-3 Lady Musgrave Road	978-2390	
Mr. Simeon Robinson, Citizen Security and Justice Project	Director	Bank of Nova Scotia Building, 6 Oxford Road	906-9386	csjp9@yahoo.com
PSOJ Legal Committee: Mrs. Sandra Glasgow Mr. John Vassell Mr. Michael Vicens Mrs Sandra Shirley	CEO, PSOJ Chairman Member Member	PSOJ Building, 39 Hope Road	9276238	sandrag@psoj.org
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The Hon. Mr. Justice Ian Forte (Ret'd)	Retired Court of Appeal Judge			

Annex G Bibliography

- The Jamaica Constitution, 1962
- Delays in the Justice System, David Batts, 1994
- National Task Force on Crime (Wolfe Report), 1998
- Governance and Social Justice in Caribbean States, Dr. David Dollar, World Bank, 2000
- Controlling the Jamaican Crime Problem: Peace Building and Community Action, Anthony Harriott, 2000
- Challenges for Capacity Development: Towards Sustainable Reform of Caribbean Justice Sectors: Volume II: A Diagnostic Assessment, Caribbean Group For Cooperation in Economic Development, 2000
- Police Executive Research Forum (PERF) Report on Violent Crime and Murder Reduction in Kingston, 2001
- Inter-American Commission on Women, Final Report- Meeting of Experts of the Caribbean Sub-region- Violence in the Americas, 2002
- Report on the National Committee on Crime and Violence, 2002
- Jamaica 2015- Government's Response to the Annual Progress Report on National Social Policy, 2003
- Jamaica, the Road to Sustained Growth, World Bank, 2004
- National Security Strategy for Jamaica, 2005
- Road Map to a Safe and Secure Jamaica: Report of the Special Task Force on Crime convened by: Leader of the Opposition Mr. Bruce Golding, 2006
- Ministry of Justice Victims Charter, 2006
- Programming Opportunities in the Justice and Security Sectors in the Caribbean, Yvon Dandurand, Vivienne Chin, Curt Griffiths, Mark Lalonde, Ruth Montgomery, Brian Tkachuk, CIDA
- The contributions of criminal justice systems to the control of crime and violence: A case study of Jamaica and the Dominican Republic, Linn Hammergren and Stephanie Ann Kutner, World Bank
- Gender based Guidelines for Legal and Policy Reforms, Tania Chambers
- Jamaica Medium Term Socio-Economic Policy Framework, 2004-2007

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- Issue 3, Focus Newsletter for the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), 2007
- Jamaica Justice System Reform Task Force Report, 2007
- “Forensic Lab in Shambles”, Jamaica Observer, 2007
- Government of Jamaica: National Security Policy: Towards a Secure and Prosperous Nation
- Dispute Resolution Foundation- Supreme Court Mediation Services
- JUST Program Work Breakdown Structure, Department of Justice of Canada, 2007
- Crime, Violence and Development: Trends, Costs and Policy Options in the Caribbean: A Joint Report by the United Nations Office of Drugs and Crime and the Latin America and the Caribbean Region of the World Bank, March 2007
- National Plan of Action on Child Justice, March 31, 2007
- Ministry of National Security- A New Era of Policing in Jamaica: Transforming the JCF- The report of the JCF Strategic Review Panel
- The Jamaica Justice Report, Jamaicans for Justice, 2008
- Ministry of Justice Victim Support Unit Achievements, January 2007-September 2008
- Ministry Paper # 56-Government at your Service- Public Sector Modernisation, Vision and Strategy 2002-2012
- Sunday Observer, November 16, 2008
- Jamaica Daily Gleaner of November 18, 2008
- Jamaica Justice System Reform, Modernisation Plan, Canadian Bar Association, 2008
- Observations on Criminal Prosecution in Jamaica, Department of Justice of Canada, Serge Lortie & Stephen Zaluski, 2008
- Towards a Strategic Framework for Restorative Justice in Jamaica, Professor Jennifer Llewellyn & Mr. Danny Graham, Q.C., 2008
- Ministry of Justice Transformation Agenda, 2007/8-2016/2017
- Ministry of Justice, Justice Training Institute Budget: Court Reporting Training Programme 2009/2010

Annex H
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Present

- Consultant - (Rule of Law, Governance, Community Policing).
- Board Chairman - Telstar Cable Limited, Telecommunications Provider.
- Senior Partner - Darby Darby & Associates, Attorneys-at-Law.

Education and Training

1980 Master of Laws (LL.M.)
 - London School of Economics and Political Science, University of London, U.K.

1979 Attorney-At-Law
 - Called to Jamaica Bar

1977-1979 Legal Practitioners Certificate
 - Norman Manley Law School, Jamaica

1974-1977 Bachelor of Laws (LL.B.), (Hons.)
 - University of the West Indies, Barbados

Short Courses (Under auspices of United States Agency for International Development (USAID))

- Analytical Skills
- Managing Productive Teams
- Program/Project Design
- Program/Project Implementation
- Program/Project Monitoring
- Program/Project Evaluation
- Negotiation of International Contracts
- International Project Financing and Contracting
- Contracting for non-Procurement Personnel
- Planning, Achieving and Learning
- Acquisition and Assistance for Cognizant Technical Officers (CTO)

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- Acquisition and Assistance for CTO Supervisors
- Assistance Management
- Automated Directives System Workshops

Consultancies

- Lead Consultant for CIDA/Barbados on the design of a Caribbean Governance and Accountability Project for twelve (12) Caribbean Countries (Assignment started March 2008 and concluded July 31, 2008).
- Advisory/consultancy services for Integration of OECS Magistracy into the Eastern Caribbean Supreme Court – Eastern Caribbean Supreme Court; funded by Canadian Cooperation Fund (CCF)/CIDA, September 2007 – January 2008.
- Development of Trust Fund Feasibility Plan for Sustainable Financing of the Eastern Caribbean Supreme Court – Eastern Caribbean Supreme Court; funded by Canadian Cooperation Fund (CCF)/CIDA, October, 2007 – November, 2007.
- Advisory/consultancy services for the development of donor financing information for the Jamaican legal system – Canadian International Development Agency (CIDA), February 2007.
- Development of a Jamaican Crime Study, - World Bank, November 2006.
- Evaluation of Canadian International Development Agency Social Conflict and Legal Reform Project, - Canadian International Development Agency/Jamaica, January 2006.
- Provided Advisory services in the design and implementation of a Regional Legislative Drafting Facility – United States Agency for International Development/Caribbean, January 2003.
- Implementation of Social Conflict and Legal Reform Project for Jamaica- Bearing Point, August 2000.
- An Assessment of the Belize Legal System - IRIS Center at the University of Maryland, 2000.
- Prepared a Diagnostic of the training needs of a newly established Commercial Court and Financial Crimes Unit in Jamaica- IDB/Jamaica, 2000.
- Prepared a Jamaican Crime Management Strategy- IDB/Government of Jamaica, Citizen Security and Justice Program, 2000.
- Conducted a Jamaica Constabulary Force/Office of the Director of Public Prosecutions File Management Study- IDB/Government of Jamaica Citizen Security and Justice Program, 2000.
- Conducted Rapid Assessments of the Jamaica Police Public Complaints Authority and Office of Professional Responsibility- IDB/Jamaica, 2000.
- Managed Social Conflict and Legal Reform Project - Bearing Point (formerly KPMG), 2000.

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- Conducted the design of a Social Conflict and Legal Reform Project- Canadian International Development Agency (CIDA) in Jamaica, 1999.
- Designed Judges and Magistrates Training Project - Faculty of Law, University of the West Indies, Cave Hill Campus, Barbados, funded by the United Nations Drug Control Programme (UNDCP), 1999.
- Designed Caribbean Regional Administration of Justice Program - USAID in Barbados, 1999.
- Drafted assessment of Guyana's legal system-Thunder & Associates, 1998.
- Conducted Guyana Legal Baseline Study- IDB in Guyana, 1998.
- Member of design team for a Caribbean Regional Money Laundering Project covering 28 English, Spanish, French and Dutch Caribbean Countries- U.S./European Union, 1997.

Management Experience

- Twenty-seven years experience in spearheading international development initiatives in the Caribbean and Central America in such areas as legal and judicial reform, empowering civil society and strengthening democratic governance.
- Wide experience in legal research and the design, implementation, monitoring and evaluation of a broad array of democracy and governance programs in such areas as civil society strengthening, the conduct of national and local government elections, anti-corruption and community policing.
- Manager of the bilateral Democracy and Governance portfolio for the United States Agency for International Development (USAID) in Jamaica. Democracy and Governance activities started in the year 2000. Over the years, the DG portfolio has covered the implementation of components relating to judicial and court reforms, civil society strengthening and community policing. USAID/Washington has adopted the community-policing component as a worldwide success model.
- Manager of the USAID Caribbean Regional Administration of Justice Program over the period 2001-2005 while located at USAID/Jamaica. The Caribbean Regional Administration of Justice Program covered fourteen independent Caribbean Community Countries and was financed by the Caribbean Regional Program Office of USAID/Jamaica located in Barbados. The program was successfully completed and has left sustainable mechanisms in place in its beneficiary countries for the conduct of court reporting, judicial training, case reporting and regional legislative drafting. With respect to legislative drafting, was instrumental in the establishment, and subsequent development of the activities of the Regional Legislative Drafting Facility, now based in Georgetown, Guyana.
- Manager of the Democracy and Governance portfolio of USAID/Guyana while based in Guyana over the period 1995-1999. Activities conducted resulted in significant changes in the operational procedures and physical infrastructure of the Guyana Court System.
- Adviser to USAID/Barbados on the implementation of the Caribbean Law Institute Project, in conjunction with Florida State University, over the period 1986-1995. This project was designed to provide technical assistance, training and financial assistance to the countries of the English-speaking Commonwealth Caribbean in the revision and harmonization of their laws, especially their commercial laws. The Caribbean Law Institute's activities are presently being sustained by the Cave Hill Campus of the University of the West Indies based in Barbados.

Awards/Performance Evaluations

- Jamaica Government scholarship to study law.
- Six-year sustained performance award as Manager of USAID/Barbados' two legal system improvement projects.
- Meritorious Honor Award, USAID/Jamaica-Caribbean.
- Numerous "outstanding" performance evaluations from USAID covering twenty-five years.

Interests/Hobbies

- Religious Studies, Martial Arts, Philosophy.