

# ANNUAL REPORT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



## **TABLE OF CONTENTS**

Mission Statement .....	
Executive Summary .....	1
The Establishment .....	11
The Functions .....	12
Administration .....	17
Summary of Court Activities .....	21

### **Tables**

Table 1	-	Overview of Extradition Requests Received .....	25
Table 2	-	Overview of Extradition Requests Made .....	26
Table 3	-	Overview of Mutual Legal Assistance Requests .....	27
Table 4	-	Overview of Mutual Legal Assistance (JAMLA) Requests .....	28
Table 5	-	Overview of Parish Circuit Court Cases .....	29
Table 5a	-	Pictorial Overview of Parish Circuit Court Cases .....	30
Table 6	-	Quarterly Summary of Parish Circuit Court Cases .....	31
Table 6a	-	Pictorial Overview of Quarterly Parish Circuit Court Cases ..	32
Table 7	-	Overview of Home Circuit Cases .....	33
Table 7a	-	Overview of the Home Circuit Cases Traversed .....	34
Table 8	-	Overview of Rural Gun Court Cases .....	35
Table 8a	-	Pictorial Overview of Rural Gun Court Cases .....	36
Table 9	-	Overview of Regional Gun Court Cases .....	37
Table 9a	-	Pictorial Overview of Regional Gun Court Cases .....	38

Table 9b	-	Summary of Disposed Cases .....	39
Table 10	-	Overview of Court of Appeal Cases .....	40
Table 11	-	Files for Rulings .....	41
Table 11a	-	Pictorial Overview of Complaints Received and Rulings ...	42
Table 11b	-	Summary .....	43

# MISSION STATEMENT

## OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

To provide the people of Jamaica with an independent and effective criminal prosecution capability which is both fair and just.

Consistent with the Constitution of Jamaica, the Director of Public Prosecutions initiates, takes over and terminates prosecutions in all Courts of Jamaica.

In addition, the Director of Public Prosecutions conducts all appellate work flowing from those prosecutions and is directly tasked with responsibilities under the *Proceeds of Crime Act*, the *Extradition Act* and the *Mutual Assistance (Criminal Matters) Act*.

Assistance is also widely provided to ministries, government departments, statutory bodies and the public, offering legal opinions on criminal matters.

## **EXECUTIVE SUMMARY**

The staff of the Office of the Director of Public Prosecutions (hereinafter referred to as the ODPP) exemplified high morale and remained dedicated to two of the most critical objectives of the Department. First to continue to present criminal cases before the Courts in a timely and efficient manner. Second to continue to provide the citizens of Jamaica with a professional prosecution service that is fair to both the accused and the victim. This was achieved during the period under review April 1, 2009 to March 31, 2010, notwithstanding the challenges of the spiraling crime rate with its attendant impact on an already burdened justice system.

The major objectives pursued by the ODPP during the period April 1, 2009 to March 31, 2010 were as follows:-

- To maintain staff level to minimum 95% of approved staff complement in order to ensure adequate prosecutorial capability
- To continue to present criminal cases before the Courts in a timely and efficient manner
- To continue to provide the citizens of Jamaica with a professional prosecution service that is fair and just to both victim and accused
- To continue to collaborate with law enforcement officers in facilitating the efficient collation and presentation of evidence to the Courts.

With these objectives the ODPP continued its efforts to:-

- Reduce the caseload for some of the Crown Counsel thereby allowing them more time to direct their attention to reducing the number of outstanding legal opinion/rulings in their possession

- Provide and/or identify more opportunities to expose prosecutors to the necessary skills and techniques to enhance their prosecutorial capability
- Enhance the ODPP's technological capabilities so as to improve accuracy of legal research.

### **Staffing**

Eight (8) new Crown Counsel and five (5) Administrative & Support staff joined the ODPP during the period under review. Six (6) members of staff were separated from the ODPP.

### **Training**

A number of prosecutors attended and participated in symposia, conferences and workshops locally and overseas. This was part of the ODPP's effort to achieve the objective of improving the prosecutorial capabilities. Two (2) Crown Counsel proceeded on study leave for one (1) year each to pursue a Masters degree. One person was enrolled at George Washington University in the United States of America and the other at the Queen Mary University of London. One member of staff resumed duties following the successful completion of a Masters degree in Human Rights from Nottingham University in England.

### **Court Activities**

Once again the activities of the various Courts did not meet the expectations of the ODPP. The trend of an increase in the number of cases being traversed from one term to another continued. The ODPP wishes to state that it has very little control over a number of the factors contributing to the traversal of cases.

One of the main contributing factors is the persistently insufficient number of persons who attend Court to serve as jurors to try the number of cases listed for trial. Another factor contributing to the traversing of matters is the non appearance of Crown witness at trials because of fear.

Witness intimidation is very high at this time and has had a negative impact on our ability to convince some witnesses to give evidence in trial matters.

The Criminal Case Management System was implemented partially during the period under review. The system was implemented as a pilot project in the St. Mary Rural Circuit Court and the Resident Magistrate's Court, the St. James Resident Magistrate's Court and Court 6 of the Kingston Gun Court. The system was intended to allow for increased disposal of cases before the Court by managing the Courts effectively and making better use of Court time. It was hoped that there could be better predictability of the passage of cases through the Courts. The defence, the prosecutor and the judge would establish some time frames to be met to ensure the case goes to trial on the date agreed on.

### **Nolle Prosequi**

Under Section 94 (3) the Director of Public Prosecutions has the power to terminate prosecutions in all the Courts in Jamaica. During the period under review the Director entered **337** *nolle prosequis*.

### **Extradition Requests**

**12** extradition requests were received. There were **9** extraditions.

### **Mutual Legal Assistance Requests (Requests from Foreign States to Jamaica)**

The Department received **25** requests. **6** requests were completed, **15** were still being processed at the end of the period under review, **2** were not being pursued and **2** were denied.

### **Jamaica Mutual Legal Assistance (JAMLA) Requests (Request by Jamaica to Foreign States)**

**9** requests were made, **8** requests were still being processed and **1** was not pursued.

### **Corruption Prevention Matters**

**13** matters were processed and **1** matter was still being heard at the end of the period under review.

### **Circuit Court Cases Listed for Trial**

There was a significant increase in the number of cases listed for trial in the Rural Parish Circuits and the Home Circuit Court. There were **1268** cases in the Rural Parish Circuits **449** cases were disposed of, **1316** cases in the Home Circuit Court and **207** cases were disposed of. The rate of disposal of the cases has caused concern. A number of factors appear to contribute to the very low disposal rate of the cases listed for trial. Among them were insufficient jurors and requests for adjournments by both defence and prosecuting counsel.

### **Rural Gun Court**

**363** cases were listed for trial and **208** cases disposed of.

### **Regional Gun Court**

**264** cases were listed for trial and **145** cases disposed of.

### **Court of Appeal**

**278** cases were listed for hearing. **177** cases were disposed of. **108** of the appeals were dismissed.

### **Files for Rulings**

**786** files were received as it relates to complaints by the public against the police. **533** files were ruled on.

### **Justice Protection Unit – Witness Protection Unit**

The Justice Protection Unit manages the Witness Protection Unit. Respectfully, the Unit remains under-resourced and understaffed. The Justice Support Unit is staffed by Police Officers who are not connected to the cases but act as intermediaries. They may have to mediate disputes depending on the circumstances of the witnesses are responsible for hearing the grouses of the witnesses and are expected to work with the Justice Protection Unit to arrive at acceptable solutions. The Unit remains a useful arm of the Ministry of National Security. The judicial process has benefited from the operation of the Witness Protection Programme. The ODPP acts as the liaison between



the witnesses and the Justice Protection Unit otherwise called the Witness Protection Programme.

A Committee was set up recently to examine the operation of the Programme and recommend improvements to make it more structured and to establish a legal framework for its continued operation.

### **Human Trafficking**

The Human Rights, Intellectual Property and Financial Services Matters Unit continues to make much headway in the Human Rights area of trafficking in persons. The ODPP is represented on the National Task Force in Trafficking in Persons and this enables the Department to have some influence on the decision making process. The Trafficking in Persons (TIP) Unit of the Jamaica Constabulary Force works closely with the ODPP with the human trafficking matters that arise. The TIP Unit is also represented on the National Task Force in Trafficking in Persons. This unit is grossly understaffed and as such there is the need for more trained detectives to be assigned to the Unit.

There is still no shelter for persons who are victims of human trafficking. This is a major hindrance to the efficient and effective functioning of the programme. The Ministry of National Security stated that there was no allocation of funds in their budget and this prevented the Ministry from providing this facility.

Two cases were listed for prosecution. One case was satisfactorily completed after the accused persons pleaded guilty to the charge. The other case was traversed to the next circuit.

### **Corruption Prevention and Coroner's Matters Unit**

The ODPP recognizing the need to secure convictions acknowledged the relative inexperience of the Clerks of the Courts in Corruption Prevention matters. To address the needs ODPP organised and administered training for Clerks of Court spearheaded

by the Mutual Legal Assistance and Financial Crimes and Financial Services Commission Unit, the Legal Reform and Clerks of Court Liaison Units within the ODP.

The first group of Clerks of Courts to be trained were from the Corporate Area, Clarendon and St. Catherine. Police Officers from the Anti-Corruption Branch of the Constabulary force also participated. The second group of Clerks to be trained were from the parish of St. Mary, St. Ann and Portland.

A manual funded by the USAID which provides guidelines for the preparation and presentation of corruption cases is now available to Clerks of Court for reference.

An extract from the 2009 to 2010 Annual Report of the Commission for Prevention of Corruption states in its executive summary:

*“As at March 31, 2010, the Commission had received Twelve Thousand Three Hundred and Forty-Two (12,342) Declarations for the period ending December 31, 2009”.*

Fifty-one (51) Public Servants had their cases disposed of by the Court. Fines were imposed on twenty-eight (28) of them and twenty-three (23) had the charges against them withdrawn by the Director of Public Prosecutions.

## **SUMMARY**

### **Facts**

There was a general increase in criminal matters for trial and also in the number of files received by the Department for ruling. It is now imperative that creative measures be introduced to address the increasing number of criminal matters listed for trial.

## **ACTION PLAN**

### **Criminal Case Management System**

Criminal Case Management having been partially implemented, the system will need ongoing review to assess its advantages and disadvantages and, where necessary, to recommend appropriate adjustments so that the ODPP derives maximum benefit from the system. This exercise will be given priority attention.

### **Some Reasons for Low Disposal Rate**

A quick review shows that with the exception of the Western Regional Gun Court, the disposal rate for the cases listed for trial in the Rural Circuit Courts and the Home Circuit Court was well below **50%**. Some of the reasons for the low disposal rate are as follows:-

- Reluctant witnesses who were fearful of coming forward to give their evidence
- The lack of sufficient jurors
- The frequent challenges faced in securing the presence of experts to give evidence on behalf of the prosecution particularly, where the expert resides overseas. There are occasional difficulties in identifying particular experts who may no longer work within the relevant place of employment and for whom there is no forwarding address.
- Multiple accused and/ or multiple witness trials. With limited trial facilities many cases suffer displacement when complex matters commence. These cases are time consuming and often force other matters off the trial list and into the next term.
- Delay in the production or presentation by the Forensic Laboratory of DNA results and Ballistic certificates for some of the cases listed for trial. We are

aware that the Forensic Laboratory is understaffed and does not have sufficient working equipment to quickly process the actual demand.

- The absence of consultant pathologists who in some instances no longer work in Jamaica. ODPP was advised that the cost to the government to return these witnesses to Jamaica in the many cases involved was exorbitant and the decision was taken to rely on Section 31D (c) of the *Evidence (Amendment) Act* to place the evidence before the Court. This is a time consuming process resulting in the inevitable request for a traversal of the case.
- Applications for adjournments made by defence and prosecution.

### **Extension of Rural Circuits & Increase in the Prosecutorial Capability of the Office of the Director of Public Prosecutions**

During the period under review for the majority of the Rural Circuits it was the standard practice for the number of cases listed for trial within a three (3) week period to exceed thirty (30) cases. In instances where the case was one with multiple accused persons the duration of the trial could extend into weeks. The result was that the majority of cases listed for that period would have to be traversed to the next circuit.

As a result of the increased number of criminal matters for trial the duration of a number of the Rural Circuits will have to be extended. An extension of these Rural Circuits, however, will pose serious legal and administrative challenges. For the ODPP it will necessitate an increase in the number of Prosecutors. Unfortunately Prosecutors are not available at short notice as this vocation is an experience driven one. Simply expressed, increasing the prosecutorial capabilities of the ODPP will take time.

### **Insufficient Jurors**

On a number of occasions it was not possible to begin a matter for trial by jury because of insufficient jurors. It may be an opportune time for the policy makers to review the process used to select persons to perform jury duty.

The increasing number of sophisticated issues and data to be analyzed (DNA evidence, digital evidence technicalities, financial and accounting records, etc.) will necessitate widening the categories of persons eligible for jury service.

In order to increase the number of persons available to serve as jurors it is being recommended that the number of persons being exempt from performing jury duty be reduced.

### **Recommendations to Address Corruption Prevention Matters Backlog**

To address the backlog of 18,325 matters referred to the ODPP by the Commission for the Prevention of Corruption and also the timely disposal of these matters. The following recommendations are being made.

- *The Corruption Prevention (Special Prosecutor) Act* when passed includes a provision that would allow Justices of the Peace to be the tribunal of fact hearing the failure of Public Servants to file statutory declarations. Consequently, the failure to file statutory declarations will remain a summary matter but triable by a Justice of the Peace, provided all the necessary and consequential amendments are made to vest such powers in the *Justices of the Peace Jurisdiction Act* and the *Judicature (Resident Magistrates) Act*.
- The Corruption Courts ought to be established islandwide to fashion the model created by the Western Regional Gun Court. There should be three (3) Courts islandwide with a Resident Magistrate hearing indictable and special statutory summary matters and in the same building the Justices of the Peace should be adjudicating matters proposed above in a separate courtroom.
- Amend the *Contractor-General Act* to allow Justices of the Peace to hear matters pertaining to the failure to answer requisitions and file reports, but allowing the more serious matters to be adjudicated by the Resident Magistrate.
- The Integrity Commission needs the assignment of additional investigators.

- The Commission for the Prevention of Corruption should be facilitated to increase investigations, bearing in mind its duties to conduct investigations into acts of corruption “on its own initiatives” where circumstances dictate, pursuant to section 5(1) (e) of the *Corruption Prevention Act*.
- The need for the creation of a legislative framework which will the permit sharing of information between local agencies to investigate alleged acts of corruption. The creation of an operating protocol between the ODPP, Financial Investigations Division, Revenue Protection Division, the Commission for the Prevention of Corruption and the Integrity Commission. Steps need to be taken to ensure the sharing of information among stakeholders similar to the position that obtains in section 17F of the *Revenue Administration Act*.
- For the period April 1, 2009 to March 31, 2010 no matters were prosecuted for the Office of the Contractor General. Rulings were made in respect of failure to file reports to the Office of the Contractor General within the designated period.

Paula V. Llewellyn, Q.C.  
Director of Public Prosecutions

## **THE ESTABLISHMENT**

The Office of the Director of Public Prosecutions is a public office. It was created under Section 94 (1) of the Constitution of Jamaica.

The Director of Public Prosecutions heads the Office of the Director of Public Prosecutions. The Governor General appoints the Director.

“A person shall not be qualified to hold or act in the Office of Director of Public Prosecutions unless he/she is qualified for appointment as a Judge of the Supreme Court”.

The Office of the Director of Public Prosecutions is responsible for all criminal prosecutions throughout the island of Jamaica. The Director under Section 94 (3) has the power, in any case, in which he considers it desirable so to do:-

- (a) to institute and undertake criminal proceedings against any person before any court other than a court-martial in respect of any offence against the law of Jamaica;
- (b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and
- (c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

The powers referred to under Section 94 (3) rests the instituting of a prosecution in the discretion of the Director of Public Prosecutions.

## **THE FUNCTIONS**

The Director of Public Prosecutions, under Section 94 (3) of the constitution has the power initiate, take over and terminate prosecutions in all the Courts in Jamaica. Crown Counsel represents the Director in criminal cases in the Supreme Court, the Circuit Courts, and the Gun Court. They also appear in complex or technical matters in the Resident Magistrates' Courts and appear weekly in both divisions of the Court of Appeal to deal with criminal matters on appeal.

### **The Director of Public Prosecutions is responsible for:**

- (a) Instituting prosecutions. This entails requesting an investigation, the receipt of police statements and the decision to prosecute. The next stage is the presentation of the case, which involves the preparation of the case, and the presentation of the evidence in Court.
- (b) Other matters such as bail applications, change of venue, criminal appeals to the Court of Appeal of the Judicial Committee of the Privy Council.
- (c) Taking over and continuing or discontinuing a particular case in any of the Courts in Jamaica.
- (d) Supervising all Clerks of Court in prosecutions in all parishes in Jamaica.



## **THE OBJECTIVES**

In keeping with the functions outlined above the Office of the Director of Public Prosecutions Department committed itself to achieving the following objectives for the period April 1, 2008 to March 31, 2010:

- To maintain staff levels at minimum 95% approved staff complement
- To continue to present criminal cases before the courts in a timely and efficient manner
- To continue to provide the citizens of Jamaica with a professional prosecution service that is fair and just to both accused and victim
- To continue to collaborate with law enforcement officers in facilitating the efficient collection, processing and presentation of evidence for the courts

Some of the objectives had their own challenges in addition to the limited number of experienced persons available to prosecute some of the more complex cases and the reluctance of persons to serve as jurors or give evidence on behalf of the Crown.

The major tasks for the Department were:-

- To continue to motivate prosecutors to remain at the Office of the Director of Public Prosecutions and perform at the highest level; directly related to this is the pervasive concerns in relation to compensation/ remuneration packages
- To continue to reduce the caseload for Crown Counsel thereby allowing them adequate time to prepare for their next assignment and to work at reducing the number of opinions/rulings in their possession
- To continue to provide opportunities and facilities to expose prosecutors to the necessary skills and techniques to enhance their prosecutorial capability

- To maintain staff levels at minimum 95% to ensure sufficient available resources for case presentation in a timely manner
- To train members of staff in computer applications relating to the implementation of the Criminal Case Management System.
- To work with all stakeholders to implement the Criminal Case Management System

In addition to prosecuting complex cases in the Resident Magistrates' Courts, the Supreme Court and Circuit Courts Islandwide as well as arguing appeals on behalf of the Crown in the Court of Appeal, the Office of the Director of Public Prosecutions also deals with a wide range of particular areas of law/administration. These areas require a lot of chamber work, research and court appearances. Units have been established to take care of these aspects of the delivery of Justice. They are as follows:-

UNIT	FUNCTION
<b>Extradition Unit</b>	Facilitates the return of fugitive offenders (accused and convicted persons) to the jurisdictions where they have committed crimes or escaped custody and from which they have fled. <b>(N.B.</b> Only jurisdictions with whom we have a treaty and commonwealth states named in the Commonwealth States Order)
<b>Mutual Legal Assistance and Financial Crimes &amp; Financial Services Commission Unit</b>	Responsible for executing and coordinating requests for assistance to and from foreign countries. The unit also handles/prosecutes matters involving money laundering and proceeds of crime. Advise financial crimes investigators. <b>(N.B.</b> Requests are made by/accepted from treaty states and designated Commonwealth States).

<p><b>Human Rights Intellectual Property and Sexual Offences Unit</b></p>	<p>Plays an integral role in the drafting of legislation pertaining to human rights and can initiate investigations into intellectual property and human rights violations such as Human Trafficking in conjunction with OCID. Also prosecutes in the concerned areas. Represents the office on the National Task Force for Trafficking in Persons.</p>
<p><b>Home Circuit Administrative Unit</b></p>	<p>This Unit is manned by two (2) Paralegals and two (2) Crown Counsel and is in charge of all the jury matters before the Home Circuit Court. The members of this unit ensure the readiness of each matter and the overall efficient running of the Courts with respect to the assignment, prosecution and disposal of cases. Statistics are also generated at the start and end of each term.</p>
<p><b>Privy Council Unit</b></p>	<p>Answers queries from solicitors in the U.K. who have charge of appeals from this jurisdiction. Research and prepare matters for Counsel in office who advise our Solicitors &amp; Barristers in the United Kingdom for the Privy Council.</p>
<p><b>Corruption Prevention and Coroners Matters Unit</b></p>	<p>This unit handles all files that come to the office for rulings concerning breaches of the Corruption Prevention Act and the <i>Contractor - General Act</i>. Unit members have a working knowledge of both Acts. Prosecute in difficult cases which may be submitted to the Resident Magistrate's Court in the concerned areas. Vet and sign off on coroner rulings by Crown Counsel. Provide advice to crown counsel and members of the JCF in coroners' matters.</p>
<p><b>Labour Relations and Industrial Disputes Unit</b></p>	<p>This unit has a working knowledge of the <i>Labour Relations and Industrial Disputes Act</i>. Handles all files that come to the office for ruling in labour disputes. Advise Clerks of Court on trial matters and prosecute difficult cases which may be submitted to the Resident Magistrate's Court. Handle matters at the appellate level.</p>

<b>Environment Unit</b>	This unit is responsible for prosecuting and giving advice on matters of concern in this area.
<b>Legal Reform Unit</b>	This unit is responsible for examining the introduction of new criminal law being proposed by Parliament and advises the Attorney General accordingly. The unit is also responsible for offering suggestions to update and amend existing criminal legislation.
<b>Clerks of Court Liaison Unit</b>	This unit is responsible for assisting with the training of Clerks of Courts. The unit also mentors them as it relates to difficult legal issues in court and the administration of the office.
<b>Gun Court Matters Unit</b>	This unit is responsible for the supervision of all matters before the Gun Court as well as the Crown Counsel assigned to the various Gun Courts. The unit has the responsibility to liaise with the Registrar of the Gun Court to ensure that matters are assigned in keeping with the level of experience of the different Counsel
<b>Digital Evidence &amp; Cyber Crimes Unit</b>	This unit is responsible for in-depth research, preparation and prosecution of cases involving digital evidence.

## **ADMINISTRATION**

### **Budget Allocation**

The approved budget for the Office of the Director of Public Prosecutions for the financial year April 1<sup>st</sup> 2009 to March 31<sup>st</sup> 2010 was **\$154,813,000.00**. This was an increase of **\$32,767,000.00** over the previous year. The actual expenditure for the period under review was **\$151,954,298.00**. As was the case in the previous year, the largest portion of the budget was spent on employees' compensation and related Travel and Subsistence expenses. **\$110,461,227.00** was spent on salaries and **\$34,351,772.00** on travel and subsistence payments.

### **STAFF RELATED MATTERS**

#### **Staffing**

Over the past two (2) years the amount of criminal matters listed for prosecution has increased significantly. The present staff complement at the Office of the Director of Public Prosecutions can no longer efficiently handle the volume of work and it also impacts on the number of matters which can be prosecuted. The delay in the prosecution of criminal matters is almost equivalent to justice denied. Aggrieved persons who have to wait too long for a resolution may be tempted to mete out their own justice. To improve the number of matters that can be dealt with the staff complement of the legal and administrative staff must be increased. The Department is aware that this situation cannot be achieved immediately as approval has to be sought and received for any increase to the number of persons on the establishment.

However, there is a constraint to any increase in the staff at this time. The physical facilities would be further strained to accommodate the necessary increase in staff complement. Additional work space is required. The development of "Justice Square" has begun and it is envisioned that the Office of the Director of Public Prosecutions will get at least ten (10) new offices. At that time we expect that the policy makers will move speedily to approve any request from the Department for an increase in the number of persons on the establishment.

Listed below is a detailed classification of the existing staff complement.

<b><u>Position Title</u></b>	<b><u>No. of Posts</u></b>
Director, Public Prosecutions	1
Senior Deputy Director, Public Prosecutions	3
Deputy Director, of Public Prosecutions	5
Assistant Director, Public Prosecutions	10
Crown Counsel	18
Prosecutor	4
Assistant Crown Counsel	2
Legal Officer	1
Manager, Human Resource Management & Administration	1
Administrator GMG 3	1
Administrator GMG 2	1
Executive Secretary 2	1
Executive Secretary 1	3
Senior Secretary	3
Secretary 2	2
Secretary 1	3
Senior Library Assistant	1
Records Officer 2	1
Records Officer 1	1
Records Clerk	1
Telephone Operator	1
Office Attendant	1
Attendant	3
Casual (Full time)	2
Casual (Part-time)	1

### **Engagement of Former Prosecutors**

There was no decrease in the number of complex criminal matters to be prosecuted. The majority of the existing prosecutorial staff were not experienced enough to handle some of these matters on their own. As a result of this constraint the Office of the Director of Public Prosecutions continued to engage the services of former experienced Prosecutors, at concessionary rates, to assist with the prosecution of some of the more complex cases. The services of two (2) former Prosecutors were engaged during the period April 1, 2009 to March 31, 2010.

## **STAFF CHANGES**

### **Departures**

During the period under review five (5) members were separated from the Office of the Director of Public Prosecutions. Four (4) senior members of the legal staff were invited to perform duties at the level of Resident Magistrate and one opted to continue in the legal profession overseas.

Two (2) members of the legal staff proceeded on study leave to pursue a Masters degree, one to George Washington University Law School in the United States and the other to the Queen Mary University of London School of Law to undertake studies in Intellectual Property.

### **Employment**

Eight (8) new Crown Counsel and five (5) administrative persons joined the Office of the Director of Public Prosecutions during the period under review. The new Crown Counsel, however, were not sufficiently experienced to take on most of the cases at the High Court level so they were assigned to appear with senior experienced counsel so that they could be mentored.

## **TRAINING**

### **Job Related Training (Local and Overseas)**

The Office of the Director of Public Prosecutions in its continuing efforts to further enhance its prosecutorial capacity gave approval for the participation of members of the legal staff in the following seminar/workshop/conference locally and overseas during the period under review:-

- U.S. Department of Justice sponsored the International Visitor (IVLP) Programme which centered on the “United States Judicial System” from July 20 – August 7, 2009 in Washington
- United States Office of Homeland Security – Immigration and Customs Enforcement Office conducted a training seminar on “Forced Child

Labour/Human Trafficking/Child Sex Tourism” in Panama City from July 27 – 31, 2009

- Department of Public Prosecutions, Bermuda in conjunction with the Commonwealth Secretariat conducted training for Prosecutors in “Technological Cyber Crimes” from August 28 – 30, 2009 in Bermuda
- U.S. Naval Forces in collaboration with Maritime of Jamaica held a seminar at the Hilton Hotel and focused on “Global Concerns that Impact Regional Security Issues
- The Organization of American States held a regional workshop in Nassau, Bahamas from September 22 – 24, 2009. The area covered was “Electronic Evidence in Criminal Investigations and Prosecutions”
- United Nations Office on Drugs & Crimes (UNODC) sub-regional office held a workshop in Toronto, Canada from September 29<sup>th</sup> – October 1, 2009 to “Promote the Ratification and Reporting on the implementation of the UN Convention against Corruption”

All the participants reported that they benefitted from their attendance and participation in the seminar/workshop/conference and meeting and indicated that the information obtained would be shared with their co-workers

One Crown Counsel resumed duties during the period under review having successfully completed the Masters of Law Degree Programme in Human Rights at the University of Nottingham, England.



**SUMMARY OF COURT ACTIVITIES FOR THE PERIOD**  
**APRIL 1, 2009 – MARCH 31, 2010**

**Nolle Prosequi Granted**

The provisions of Section 94(3) (b) and (c) give the Director of Public Prosecutions the power to discontinue prosecution of any case being undertaken in the Resident Magistrates' Courts or the Supreme Court. During the period under review **337 Nolle prosequis** were entered broken down as follows:-

**209** Voluntary Bills of Indictment were entered. (This means that the matters were removed from the Resident Magistrate's Court and brought to the Home Circuit Court for trial without any preliminary enquiry)

**15** Unconditional *nolle prosequis* in the Resident Magistrates' Court and **7** in the Home Circuit Court. (Those matters come to an absolute end)

**64** *nolle prosequis* because of Witness unavailability in the Home Circuit Court and **21** in the Resident Magistrates' Court (In the event that the Witnesses are found or turn up at a later date those matters can be re-opened)

**17** *nolle prosequis* relating to new Resident Magistrate and **3** relating to new Judge. (In those cases the matters had commenced before a particular Resident Magistrate or Judge but for one reason or another, the Resident Magistrate or Judge was not able to complete the matter. *Nolle prosequis* are entered so that those matters can recommence before a new Resident Magistrate or Judge).

**1** *nolle prosequi* was entered because of new evidence before the Court.

**Corruption Prevention Matters**

**13** matters were processed. **4** matters were completed; there were **2** convictions and **2** acquittals and **1** matter was still being heard at the end of the period under review.

**Extradition Requests Received**

**12** extradition requests were received. There were **9** extraditions. **3** requests are still being processed. **11** requests were received from the United States of America and **1** from the Bahamas. **(See Table 1 for more details)**

### **Extradition Requests**

2 extradition requests were made. Both were to the United States of America.  
**(See Table 2)**

### **Mutual Legal Assistance Requests**

25 requests were received during the period under review. 6 requests were completed 15 were still being processed and 2 were not pursued and 2 requests were denied. 17 of the requests were from the United Kingdom. **(See Table 3 for details).**

### **Jamaica Mutual Legal Assistance (JAMLA) Requests**

9 requests were made to the participating states. 8 requests were still being processed and 1 was not pursued. 5 of the requests were made to the United States of America. **(See Table 4)**

### **Circuit Court Cases**

The Office of the Director of Public Prosecutions continued to collaborate with the law enforcement officers providing guidance where necessary to ensure that the presentation of evidence for the courts is at the highest level thereby contributing to the delivery of justice in an efficient and timely manner.

### **Rural Parish Circuits**

1268 cases were listed for trial, an increase of 138 or 10.98% over the same period for the previous year. 449 or 35.41% of the cases were disposed of and 819 or 64.59% of the cases were traversed to the next term. Murder cases accounted for 405 of the cases listed and sexual offences for 582. The parishes of St. Thomas (191), St. Catherine (152), and St. James (131) accounted for the highest number of the cases listed for trial. **(See Table 5, 5a, 6 & 6a for more details).**

### **Home Circuit Court**

There was an increase in the number of cases listed for trial. 1316 cases were listed for trial during the period under review. 207 or 15.73% cases were disposed of and 1109 or 84.27% of the cases were traversed to the next term. Both Capital Murder

and Non-Capital Murder accounted for **636** - the highest number of cases followed by **312** sexual offences cases. **(See Table 7 & 7a for details).**

### **Gun Court Cases**

#### **Rural Gun Court**

(Clarendon, St. Mary, St. Elizabeth, Manchester, Portland, St. Thomas and St. Ann)

**363** cases were listed for the period under review. This was a significant decrease. The amount was **189** cases or **34.23%** less than the same period for the previous year. New cases accounted for **247**. **208** cases or **57.30%** of the cases listed were disposed of. **155** cases were traversed to the next term. **(See Table 8 & 8a).**

#### **Regional Gun Court**

(St. James, Trelawny, Westmoreland and Hanover)

**198** new cases were listed for the period under review. The total number of cases listed for trial was **264**. **145** cases or **54.92%** of the cases listed were disposed of. **119** cases were traversed to the next term. St. James with **128** cases accounted for **48.48%** of the cases listed for trial. **(See Table 9 & 9a).**

### **Court of Appeal**

**278** cases were listed for hearing. **177** cases were disposed of and **108** of the appeals were dismissed. **(See Table 10 for details)**

### **Files for Rulings**

There is a Corruption Prevention & Coroners matters unit in the Office of the Director of Public Prosecutions which handles all files sent to the Office concerning breaches of the *Corruption Prevention Act* and the *Contractor - General Act*.

There was a significant increase in the number of files received for rulings. There was an increase of **47.70%** over the period 2008 – 2009.

**768** files were received from the various bodies for rulings in relation to police excesses in the performance of their duties. The majority of the complaints **490** were received from the Bureau of Special Investigations. Police Public Complaints Authority with **130** was next in line. **533** rulings were made. **(See Table 11, 11a & 11b for more details).**

**TABLE 1**

**Overview of Extradition Requests Received**

**April 1, 2009 - March 31, 2010**

<b>COUNTRY</b>	<b># OF CASES</b>	<b>EXTRA- DITED</b>	<b>BEFORE THE COURT</b>	<b>WARRANT WITH POLICE</b>	<b>OTHER</b>
<b>USA</b>	11	9	-	2	-
<b>BAHAMAS</b>	1	-	-	1	-
<b>TOTAL</b>	<b>12</b>	<b>9</b>	<b>-</b>	<b>3</b>	

**TABLE 2**

**Overview of Extradition Requests Made**

**April 1, 2009 – March 31, 2010**

<b>COUNTRY</b>	<b># OF CASES</b>	<b>BEING PROCESSED</b>	<b>BEFORE THE COURT</b>	<b>WARRANT WITH POLICE</b>	<b>OTHER</b>
<b>USA</b>	2	1	1	-	-
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>-</b>

\*\* Judgment reserved until later date  
Being processed

**TABLE 3**

**Overview of Mutual Legal Assistance Requests**

**April 1, 2009 – March 31, 2010**

<b>REQUESTING STATE</b>	<b># OF FILES RECEIVED</b>	<b>REQUESTS BEING PROCESSED</b>	<b>REQUESTS COMPLETED</b>	<b>REQUEST NOT BEING PURSUED</b>	<b>REQUESTS DENIED</b>
ANTIGUA & BARBUDA	1	-	1	-	-
TURKS & CAICOS	1	-	-	-	1
NETHERLANDS	1	1	-	-	-
GERMANY	1	-	1	-	-
GUATEMALA	1	-	-	1	-
UNITED KINGDOM	17	12	4	1	-
USA	2	2	-	-	-
CURACOA	1	-	-	-	1
<b>TOTAL</b>	<b>25</b>	<b>15</b>	<b>6</b>	<b>2</b>	<b>2</b>

**TABLE 4**

**Overview of Jamaica Mutual Legal Assistance (JAMLA) Requests**

**April 1, 2009 – March 31, 2010**

<b>STATE</b>	<b># OF REQUESTS</b>	<b>REQUESTS COMPLETED</b>	<b>REQUEST PENDING</b>	<b>NOT BEING PURSUED</b>
<b>UNITED STATES</b>	5	-	5	-
<b>BAHAMAS</b>	1	-	1	-
<b>CANADA</b>	1	-	1	-
<b>DOMINICAN REPUBLIC</b>	1	-	-	1
<b>NIGERIA</b>	1	-	1	-
<b>TOTAL</b>	<b>9</b>	<b>-</b>	<b>8</b>	<b>1</b>

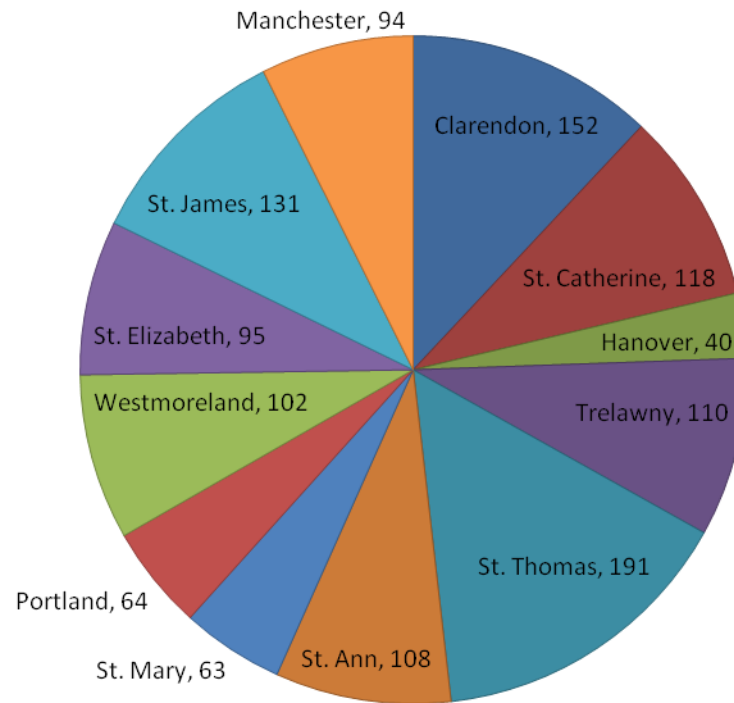


**TABLE 5**  
**Overview of Parish Circuit Court Cases**  
**April 15, 2009 – March 26, 2010**

Parishes	# Cases Listed	# Cases Dis-Posed of	# Cases Tra-Versed	Trans-Fered	Bench War-Rant	Murder	Incest	Rape	Carnal Abuse	Wounding With Intent/ Assault	Mansla-ughter	Buggery	Other
Clarendon	152	49	103	6	1	68	3	27	15	18	4	2	15
St. Catherine	118	40	78	2	-	29	4	23	40	10	6	2	4
Hanover	40	19	21	-	-	9	-	9	3	10	4	-	5
Trelawny	110	35	75	-	-	27	-	29	42	6	3	-	3
St. Thomas	191	41	150	-	-	26	5	59	60	17	8	3	13
St. Ann	108	32	76	-	-	60	2	17	10	8	7	1	3
St. Mary	63	22	41	-	-	16	3	13	16	3	5	4	3
Portland	64	31	33	-	-	19	-	11	23	2	6	-	3
Westmoreland	102	48	54	-	1	37	5	13	14	21	4	3	5
St. Elizabeth	95	38	57	-	-	26	3	13	11	28	1	-	13
St. James	131	60	71	-	-	69	4	22	17	7	2	1	9
Manchester	94	34	60	-	1	19	-	7	40	13	4	3	8
<b>TOTAL</b>	<b>1268</b>	<b>449</b>	<b>819</b>	<b>8</b>	<b>3</b>	<b>405</b>	<b>29</b>	<b>243</b>	<b>291</b>	<b>143</b>	<b>54</b>	<b>19</b>	<b>84</b>

**TABLE 5A**

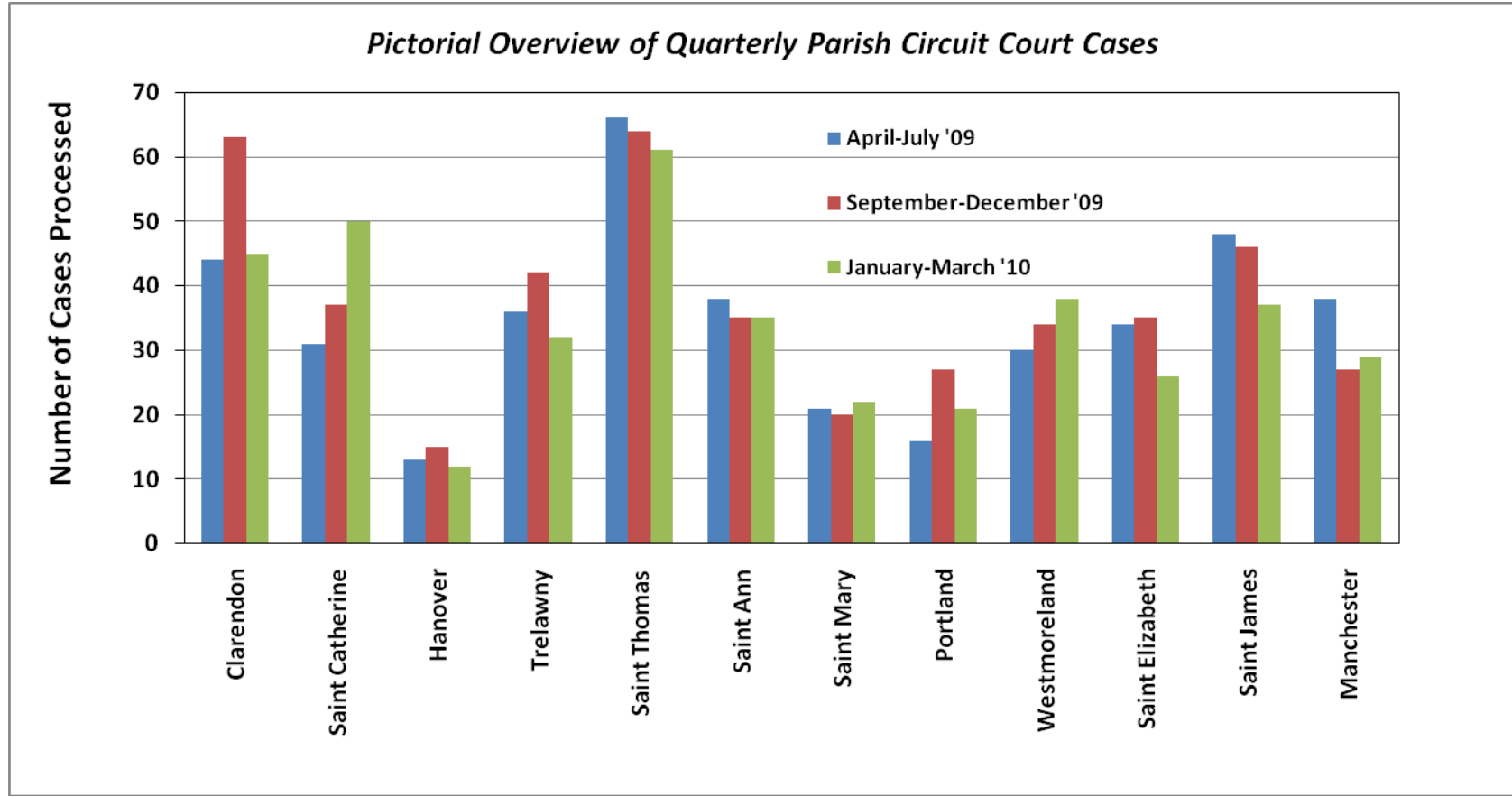
***Pictorial Overview of Parish Circuit Court Cases***



**TABLE 6**  
**Quarterly Summary of Parish Circuit Court Cases**  
**April 15, 2009 – March 26, 2010**

Review Period	Clarendon	Saint Catherine	Hanover	Trelawny	Saint Thomas	Saint Ann	Saint Mary	Portland	West-moreland	Saint Elizabeth	Saint James	Manchester	Total
April – July '09	44	31	13	36	66	38	21	16	30	34	48	38	<b>415</b>
September - December '09	63	37	15	42	64	35	20	27	34	35	46	27	<b>445</b>
January – March '10	45	50	12	32	61	35	22	21	38	26	37	29	<b>408</b>
<b>TOTAL</b>	<b>152</b>	<b>118</b>	<b>40</b>	<b>110</b>	<b>191</b>	<b>108</b>	<b>63</b>	<b>64</b>	<b>102</b>	<b>95</b>	<b>131</b>	<b>94</b>	<b>1268</b>

**TABLE 6A**

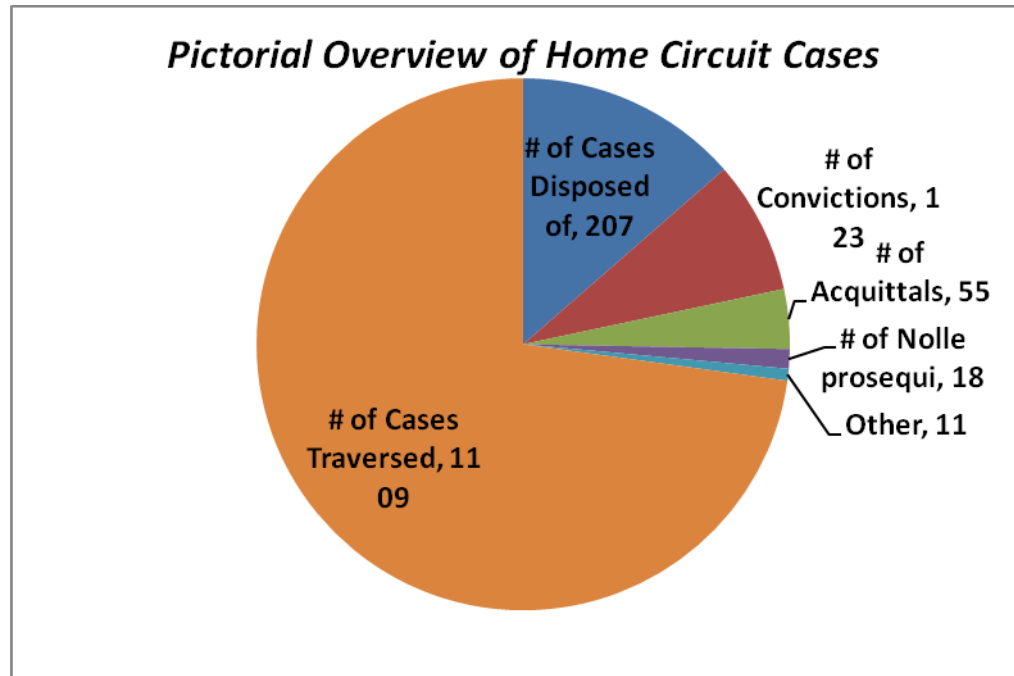


**TABLE 7**

**Overview of Home Circuit Cases**

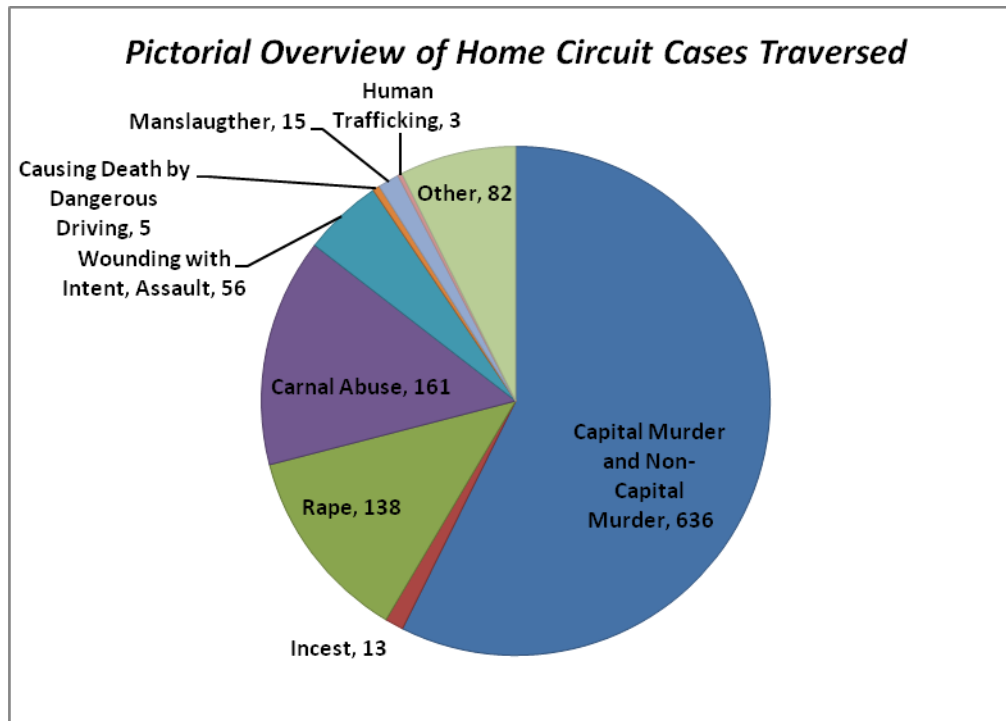
**April 15, 2009 – March 31, 2010**

<b>CASES LISTED</b>	<b># CASES DISPOSED OF</b>	<b># OF CONVICTIONS</b>	<b># OF ACQUITTALS</b>	<b># OF NOLLE PROSEQUI</b>	<b>OTHER</b>	<b># CASES TRAVERSED</b>
1316	207	123	55	18	11	1109



**TABLE 7a**  
**Overview of the Home Circuit Cases Traversed**

# Cases Traversed	Capital Murder & Non-Capital Murder	Incest	Rape	Carnal Abuse	Wounding With Intent Assault	Causing Death by Dangerous Driving	Man-Slaughter	Human Trafficking	Other
<b>1109</b>	<b>636</b>	<b>13</b>	<b>138</b>	<b>161</b>	<b>56</b>	<b>5</b>	<b>15</b>	<b>3</b>	<b>82</b>
	<b>57.35%</b>	<b>1.17%</b>	<b>12.44%</b>	<b>14.52%</b>	<b>5.05%</b>	<b>0.45%</b>	<b>1.35%</b>	<b>0.27%</b>	<b>7.40%</b>



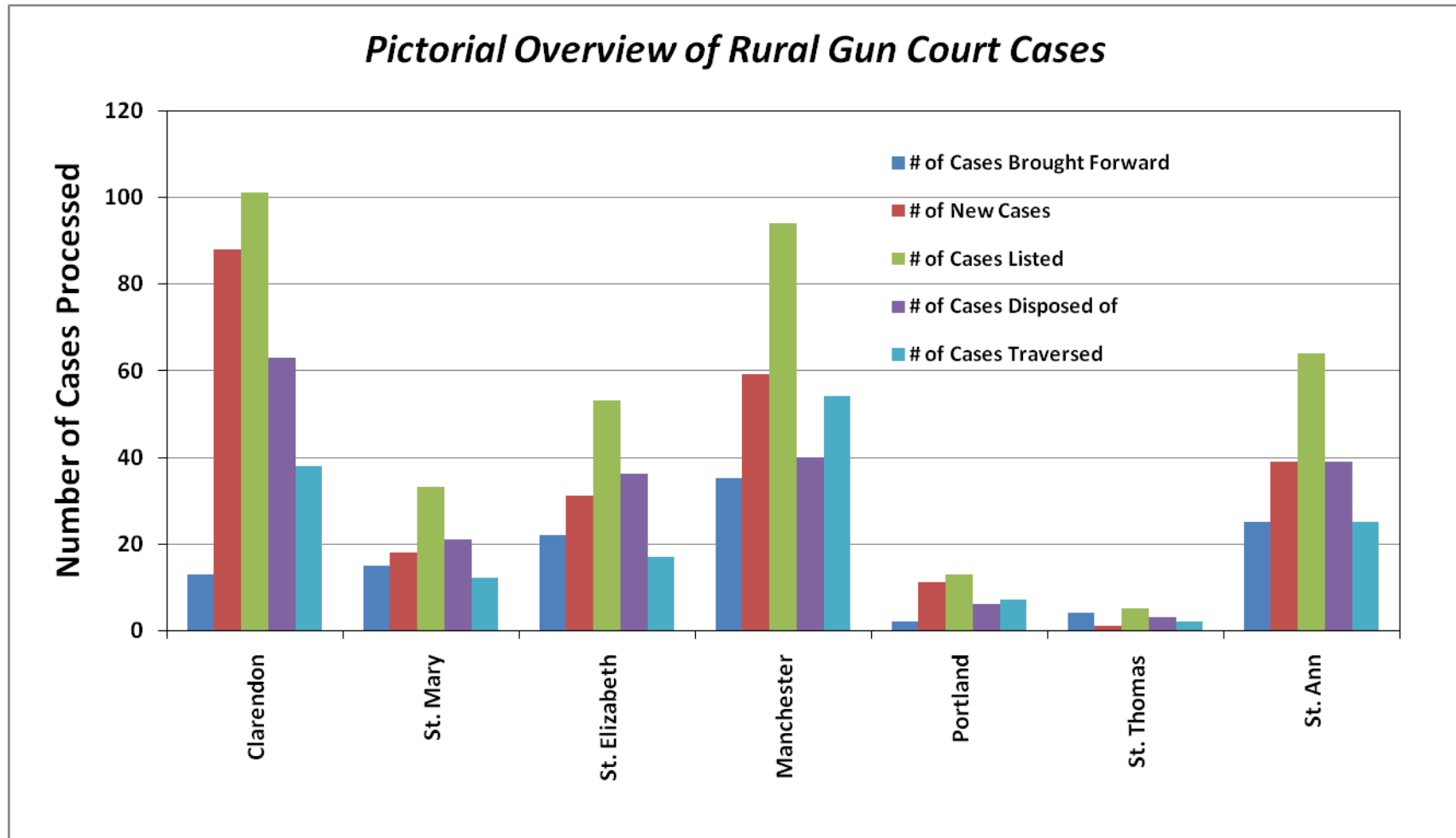
**TABLE 8**

**Overview of Rural Gun Court Cases**

**April 15, 2009 – March 31, 2010**

<b>PARISHES</b>	<b>CASES BROUGHT FORWARD</b>	<b>NEW CASES</b>	<b>TOTAL # CASES LISTED</b>	<b>TOTAL # CASES DISPOSED OF</b>	<b>TOTAL # CASES TRAVERSED</b>
Clarendon	13	88	101	63	38
St. Mary	15	18	33	21	12
St. Elizabeth	22	31	53	36	17
Manchester	35	59	94	40	54
Portland	2	11	13	6	7
St. Thomas	4	1	5	3	2
St. Ann	25	39	64	39	25
<b>TOTAL</b>	<b>116</b>	<b>247</b>	<b>363</b>	<b>208</b>	<b>155</b>

**TABLE 8a**





**TABLE 9**

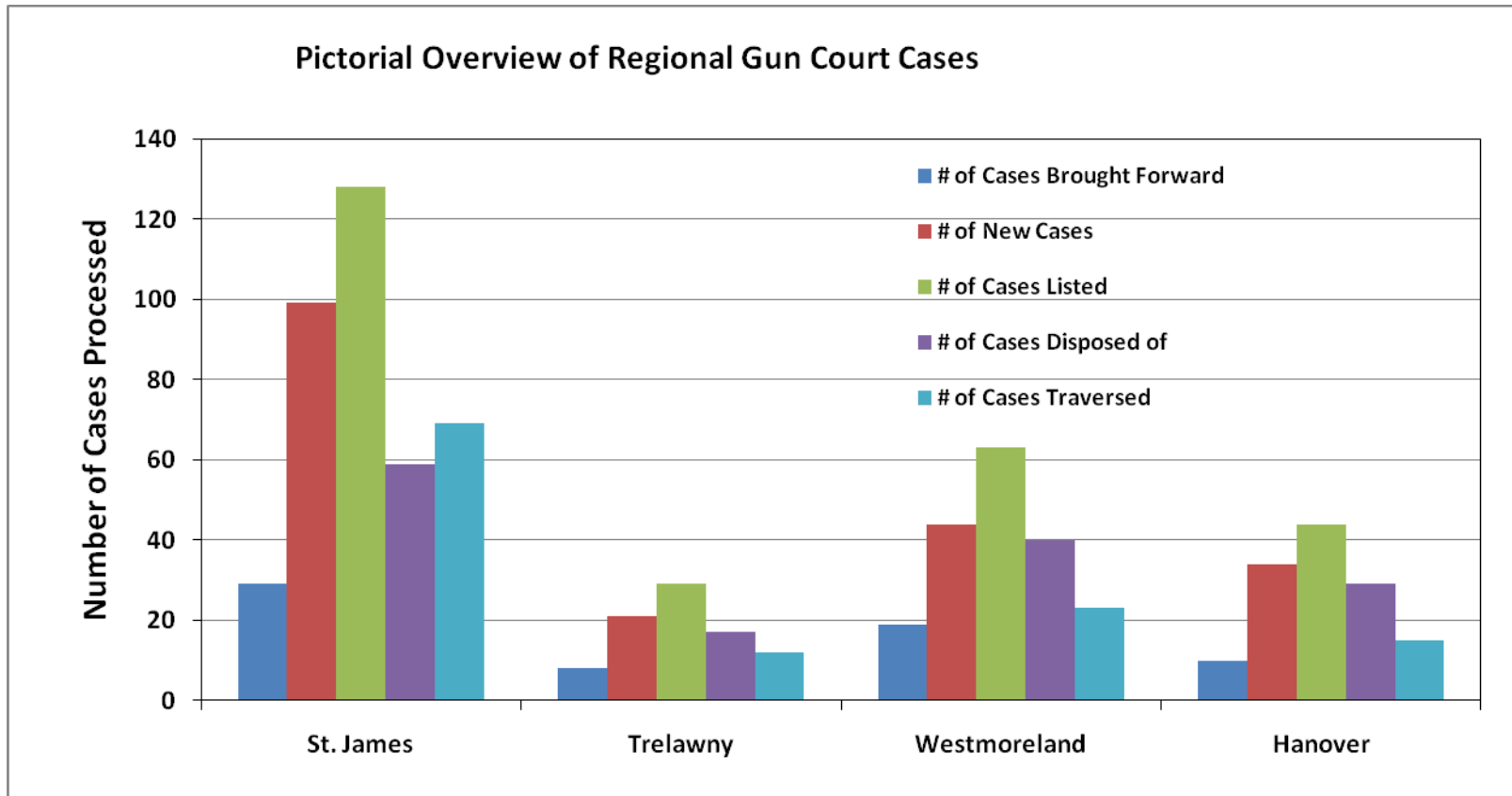
**Overview of Regional Gun Court Cases**

**April 1, 2009 – March 31, 2010**

<b>PARISHES</b>	<b>CASES BROUGHT FORWARD</b>	<b>NEW CASES</b>	<b>TOTAL # CASES LISTED</b>	<b>TOTAL # CASES DISPOSED OF</b>	<b>TOTAL # CASES TRAVERSED OF</b>
St. James	29	99	<b>128</b>	59	69
Trelawny	8	21	<b>29</b>	17	12
Westmoreland	19	44	<b>63</b>	40	23
Hanover	10	34	<b>44</b>	29	15
<b>TOTAL</b>	<b>66</b>	<b>198</b>	<b>264</b>	<b>145</b>	<b>119</b>

**TABLE 9a**

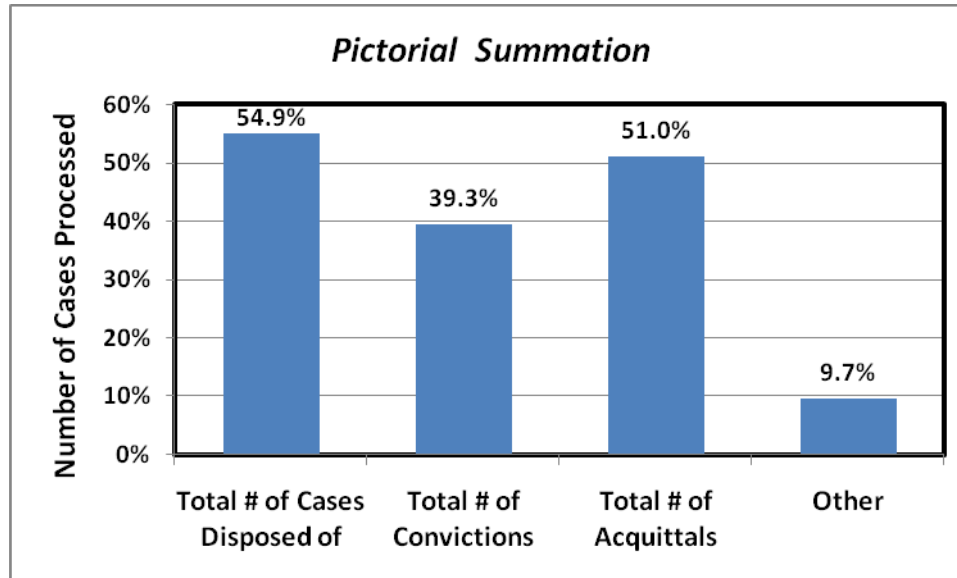
**Pictorial Overview of Regional Gun Court Cases**



**TABLE 9b**

**Summary of Disposed Cases**

<b>TOTAL # CASES LISTED</b>	<b>TOTAL # CASES DISPOSED OF</b>	<b># OF CONVICTIONS</b>	<b># OF ACQUITTALS</b>	<b>OTHER</b>
<b>264</b>	<b>145</b>	<b>57</b>	<b>74</b>	<b>14</b>
<b>%TAGE</b>		<b>39.31%</b>	<b>51.03%</b>	<b>9.66%</b>



**TABLE 10**

**Overview of Court of Appeal Cases**

**April 1, 2009 – March 31, 2010**

<b>Appeals From</b>	<b>Pending/ New Cases</b>	<b>Cases Listed For Hearing</b>	<b>Cases Disposed Of</b>	<b>Allowed</b>	<b>Dismissed</b>	<b>Acquitted</b>	<b>Reserved</b>	<b>Retrial</b>	<b>TOTAL</b>
<b>Supreme Court</b>	181	242	150	20	98	12	12	8	<b>150</b>
<b>Resident Magistrate Court</b>	25	36	27	4	10	8	5	-	<b>27</b>
<b>TOTAL</b>	<b>206</b>	<b>278</b>	<b>177</b>	<b>24</b>	<b>108</b>	<b>20</b>	<b>17</b>	<b>8</b>	<b>177</b>

**TABLE 11**

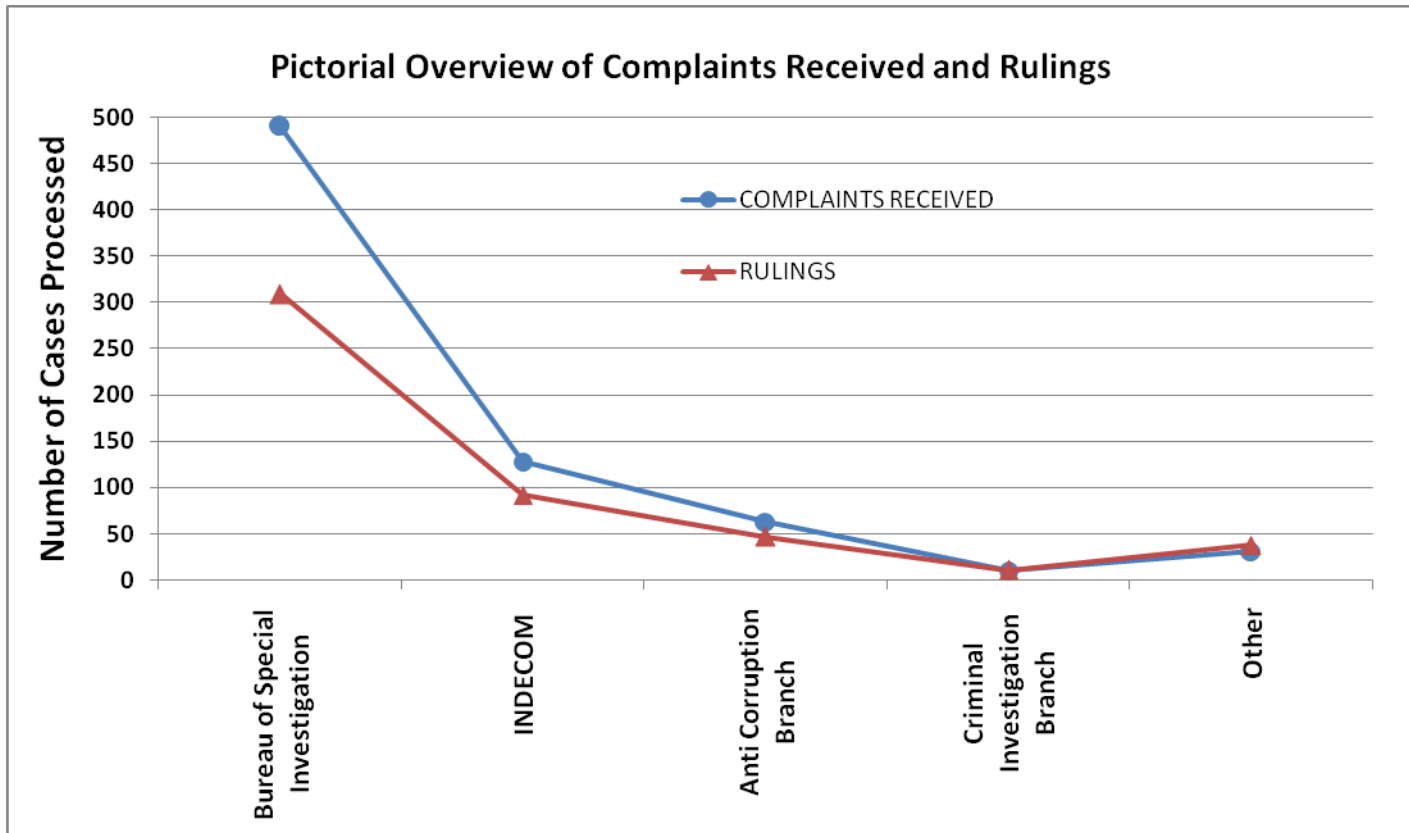
**Files for Rulings**

**APRIL 1, 2009 – March 31, 2010**

<b><i>INVESTIGATIVE BODY</i></b>	<b><i>COMPLAINTS RECEIVED</i></b>	<b><i>RULINGS</i></b>	<b><i>% TAGE DISPOSAL</i></b>
Bureau of Special Investigation	490	309	63.06%
INDECOM	128	92	71.88%
Anti Corruption Branch	63	47	74.60%
Criminal Investigation Branch	10	11	
Other	31	38	
<b>TOTAL</b>	<b>768</b>	<b>533</b>	<b>69.40%</b>

***\*\* From time to time after examination of the files that are received for rulings the Department has to request additional information. Rulings therefore have to be deferred and this situation creates a temporary backlog of files. It follows therefore that at a later date when these files are ruled on (as is the case in the report for this period) the statistics show that rulings for the period are in excess of the files received.***

**TABLE 11a**



**TABLE 11b**

**SUMMARY**

<b>TOTAL # RULINGS</b>	<b>CHARGE</b>	<b>CORONER</b>	<b>DEPARTMENTAL ACTION</b>	<b>NO CHARGE</b>
533	88	183	118	144
<b>% TAGE</b>	16.51%	34.33%	22.14%	27.02%

