

ANNUAL REPORT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



EXECUTIVE SUMMARY

The staff of the Office of the Director of Public Prosecutions (hereinafter referred to as the ODPP) remained motivated and committed to two of the most critical objectives of the Department. First to continue the presenting of 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, 2010 to March 31, 2011, 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, 2010 to March 31, 2011 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 accused and victim
- To continue to collaborate with law enforcement officers in facilitating the efficient collation and presentation of evidence to the Courts.
- To facilitate the implementation of Criminal Case Management System in all the courts
- To implement the Prosecuting Attorney System (PAS) thereby automating the prosecuting process
- To implement the Performance Management Appraisal System (PMAS)

The major tasks therefore to the Office were:-

- To continue to motivate staff members (especially the more experienced) to remain at the ODPP thereby maintaining staff level to at least 95% of the staff complement
- To work with the Ministry of Justice and the Ministry of Finance with a view to appreciating the financial challenges facing the prosecutors and finding a mutually beneficial resolution
- To continue to explore creative ways to reduce the caseload for Counsel to give them adequate time to prepare for their next assignment and to deal with the number of opinions/rulings in their possession.
- Enhance the ODPP's technological capabilities by training staff in the techniques of the Prosecuting Attorney's System software
- To continue to identify and explore opportunities to expose prosecutors and administrative staff to skills and techniques to enhance their capabilities
- To work with all the stakeholders in facilitating the full implementation of Criminal Case Management System in all the courts.

The challenges to the Office, the lack of sufficient persons to serve as jurors, the delay in the receipt of crucial forensic results because of inadequate resources (both human and equipment) of the forensic laboratory and the limited and experienced persons to prosecute some of the more complex cases have impacted on the Office's ability to be more efficient.

Staffing

Departures

Seven (7) members of staff left the Office during the period under review. Two (2) of the more experienced prosecutors were promoted to act as Resident Magistrates and two (2) took up an assignment overseas. Two (2) of the administrative staff proceeded on retirement and one (1) took up an assignment at a higher level in another Department.

Review of the Organizational Structure of the Office.

The structure of the establishment has not changed significantly over the last eight (8) years. In 2008 on assuming office submission was made for additional prosecutors to handle the increase in the criminal matters for prosecution and the increase in the number of rulings. Approval was given for seven (7) Prosecutors, three (3) Paralegals and One (1) Records Clerk to be added to the staff complement.

The statistics below provide the support for our argument that there has been an upward trend in the number of criminal matters for prosecution over the years thereby significantly increasing the workload.

YEAR	PARISH CIRCUIT	HOME CIRCUIT	REGIONAL GUN COURT	RURAL GUN COURT
2003 - 2004	687	370	211	351
2004 - 2005	853	495	218	357
2005 - 2006	909	625	291	474
2006 - 2007	874	786	215	489
2007 - 2008	969	881	365	496
2008 - 2009	1130	1052	286	552
2009 - 2010	1268	1316	264	363
2010 - 2011	1480	1481	339	637

In addition to dealing with the prosecution of the criminal matters the Office has to process extradition requests, mutual legal assistance requests, represent the Office in matters in the Court of Appeal, do bail applications, and prosecute in the Corporate area Gun Court which in March 2011 had 3939 cases listed for trial.

A review of the organizational structure of the Office has to be given priority attention. Indeed this need has already been forwarded to the Ministry of Justice as one of the matters for priority attention over the next three (3) to six (6) months of 2012. As part of the modernization

of the Office it is necessary to have an Information Technology person stationed at this Office. The presenting of technical electronic evidence at some of the trials is time consuming and from time to time persons who have a flair for technology have been asked to do the demonstration in the Courts. This usually results in the duties of that individual being treated as secondary.

To function efficiently and effectively the Office need additional personnel as follows:-

# OF POSTS	POSITION TITLE
10	Prosecuting Attorneys
2	Paralegal Officers
3	Administrative Assistants
1	Records Officer
1	Systems Administrator
1	Technician
1	Human Resource Officer

Training

During the period April 1, 2010 to March 31, 2011 a number of prosecutors attended and participated in symposia, conferences and workshops locally and overseas. These exposures were all part of the ODPP's commitment to improving the prosecutorial capabilities of members of staff.

One member of staff resumed duties following the successful completion of a Masters degree in Intellectual Property Law from the Queen Mary University of London.

Court Activities

Once again the activities of the various Courts did not meet the expectations of the ODPP. The ODPP wishes to state once again that it has very little control over a number of the factors which contribute to the number of matters disposed of and the number of matters traversed at the end of each term.

There was a significant increase in the number of cases listed for trial in the Rural Circuit Courts, the Rural Gun Courts and the Regional Gun Court. There was a decrease in the number of extradition requests received for extradition, the number of mutual legal assistance requests and appeals to the Court of Appeal. There was also a significant reduction in the number of files received for rulings.

One of the main contributing factors to the non-disposal of matters is the persistence of insufficient 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 and continued to have a negative impact on our ability to convince some witnesses to give evidence in trial matters.

The Criminal Case Management System remains partially implemented during the period under review. The system is fully operational in the Home Circuit Court but is only operational in the St. Mary Circuit court.

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 **399** *nolle prosequis*.

Extradition Requests

3 extradition requests were received. Two (2) of the three were processed to conclusions.

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

The Department received **19** requests. **12** requests were completed, **5** were still being processed at the end of the period under review and **1** was put on hold at the request of the requesting state and **1** request was not being pursued.

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

9 requests were made, **1** request was completed **8** requests were still being processed at the end of the period under review.

Corruption Prevention Matters

29 rulings were made during 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 **1480** cases in the Rural Parish Circuits **306** cases were disposed of, **1481** cases in the Home Circuit Court and **209** cases were disposed of. The low rate of disposal of the cases continued to be a cause for 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

637 cases were listed for trial and **231** cases disposed of.

Regional Gun Court

339 cases were listed for trial and **171** cases disposed of.

Court of Appeal

220 cases were listed for hearing. **158** cases were disposed of. **79** of the appeals were dismissed.

Files for Rulings

449 files were received as it relates to complaints by the public against the police. 397 files were ruled on.

SUMMARY

Facts

During the period under review there was a remarkable increase in the number of criminal matters listed for trial as indicated below:

LOCATION	PERCENT
Rural Circuit	17.00 % increase
Home Circuit	12.5% increase
Rural Gun Court	75.0% increase
Regional Gun Court	28.5% increase

There was a 57.12% decrease in the number of files received for rulings in respect of police excesses in the performance of their duties. This was an encouraging trend for the Office.

ACTION PLAN

Criminal Case Management System

Criminal Case Management has been partially implemented. It is operative in the Home Circuit Court. It will be necessary to review the system periodically 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 in terms of criminal matters, with the exception of the Western Regional Gun Court, the percentage disposal rate for the cases listed for trial in the Rural Circuit Courts and the Home Circuit Court was well below **50%**. The rural circuit court disposal rate was **20.67%** and the Home circuit court **14.11%**. Some of the reasons which contributed to the low case disposal rate are similar to the ones listed in the 2009/2010 Annual Report for the Office.

- 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 to commence which resulted in those complex matters being traversed to 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. This necessitated the reliance on Section 31D (c) of the *Evidence (Amendment) Act* to place the evidence before the Court. This is a time consuming process. In those circumstances the only option available to the ODPP is to request that those matters be traversed to the next term.

- Applications for adjournments made by defence and prosecution.

Recommendations to Address the Low Case Disposal Rate

Expansion of Rural Circuit Court

During the period under review due to the voluminous number of cases listed for trial it was necessary to expand the sitting of the rural Circuit Court for the parish of St. Catherine, Clarendon, St. Ann and St. Elizabeth. The extension of these rural circuits gave rise to serious challenges because of the limited number of experienced prosecutors to man the courts for the additional periods.

Necessary Action

Retention of Experienced Prosecutors & Increase in Number of Prosecutors

It is imperative that the number of prosecutors on the establishment be increased if the Office is to prevent an undesirable backlog in the system. However as a short term measure efforts should be made to retain the services of the present set of experienced prosecutors. The prosecutors need to be offered more attractive remuneration packages. All the prosecutors who left the Office during the period under review indicated their love for prosecution but that they made their decision to move on not because of the volume of work but more so because they were having serious difficulties meeting their financial obligations.

Lack of Sufficient Persons to Serve as Jurors

On a number of occasions the prosecution was unable to commence the trial of a matter because there were not enough persons from which to empanel jurors for a case involving multiple accused persons.

Necessary Action

Change in the Selection of and Payment to Jurors

The government needs to take the necessary steps to develop a listing of persons with TRN number and who are on the Property Tax Roll and give this listing to the Police so that persons to be summoned for jury duty can be compiled from that listing.

It is also being recommended that daily payment to persons serving as Jurors should be increased. There are instances where the expenses incurred by jurors in order to attend jury duty exceed the actual remuneration paid to jurors who are sometimes not paid after several months or in some cases years after serving. In addition, the present system of the eligibility for this payment should be reviewed with a view to making payment to persons once they have to attend for a certain number of days rather than payment to only the persons who are empanelled as jurors.

Sensitization of Citizens to their Role in the Justice System

The government should seek to partner with Non Governmental Organizations (NGO's) such as Jamaicans for Justice, Justices of the Peace and entities involved in restorative justice to help to sensitize the citizens of Jamaica to their civic duty and responsibility as it relates to participating in the process of dispensing Justice for all the citizens of Jamaica.

Delay in the Receipt of Forensic Documentation

The non receipt of forensic documentation hampers the timely disposal of matters as cases cannot be tried unless the forensic results are received. Too often we have to wait for inordinately long periods for these results, especially in instances where files are otherwise ready.

Necessary Action

There needs to be a review of the instances in which forensic materials are sent to the lab as part of the investigative tool. This would include cases of alleged rape or carnal abuse

which would have been committed some time before the matter is being reported as no forensic material of assistance either to the defence or crown would be available. The Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA) could be asked to collaborate with the ODPP more frequently during the course of its investigation to determine, based on the circumstance/s whether certain forensic material will be necessary. This analysis should be done on a case by case basis. This certainly would assist in reducing the case load to be dealt with by the laboratory.

Over the years I have and continue to work in creating a team that works fairly, conscientiously and fearlessly in addressing our mandate. Notwithstanding the severe resource challenges the ODPP strives to enhance operational efficiencies and to maintain an environment where the staff is fully motivated.

However, given the challenging economic situation, steps must be taken to make staff members of the ODPP convinced that the authority appreciates and understands the additional duties that have to be undertaken because of the increased workload and the sophistication of some of the new criminal matters to be handled by the prosecution.

I wish to use this opportunity, once more, to highlight the need for :-

- An organizational review of the ODPP and for it to be given priority attention
- For the expansion plans for the ODPP to be accommodated in the 2012/2013 financial budget. Suitable accommodation for members of staff is a cause for concern.

Finally I wish to formally thank all the stakeholders who have supported the ODPP in carrying out its mandate which is to provide the citizens of Jamaica with a professional prosecution service that is fair to both the accused and the victim. We look forward to continuing what we feel is a mutually satisfying association.

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) confers 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 to 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 in open court or in chambers at the Supreme Court or Court of Appeal, applications for change of venue, criminal appeals to the Court of Appeal or 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 prosecuting matters 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, 2010 to March 31, 2011:

- To maintain staff level to at least 95% approved staff complement in an effort to cope with the increasing workload
- 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
- To facilitate the implementation of Criminal Case Management in all the courts to ensure the efficient operation of all the courts
- To implement the Prosecuting Attorney System (PAS) thereby automating the prosecution process
- To implement the Performance Management Appraisal System (PMAS)

The numerous challenges to the Office among them, the lack of sufficient persons to serve as jurors, the delay in the receipt of crucial forensic results because of inadequate resources (both human and equipment) and the limited number of experienced persons to prosecute some of the more complex cases have impacted on the Office's ability to be more efficient.

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 thereby maintaining staff level at 95% of the approved headcount.

- To work with the Ministry of Finance and the Ministry of Justice towards a better understanding of the financial challenges facing the prosecutors and finding a mutually beneficial resolution.
- To continue to explore creative ways to reduce the caseload for Crown Counsel thereby allowing them adequate time to prepare for their next assignment and to deal with the number of opinions/rulings in their possession
- To continue to identify and explore opportunities to expose prosecutors and administrative staff to the necessary skills and techniques to enhance their capability
- To train members of staff in computer applications relating to the implementation of the Criminal Case Management System.
- To work with all stakeholders towards the full implementation of the Criminal Case Management System in all the courts.

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 deal with these aspects of the delivery of Justice. They are as follows:-

UNIT	FUNCTION
Extradition Unit	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. It also facilitates the return of Jamaican fugitives(N.B. Only jurisdictions with whom we have a treaty and commonwealth states named in the Commonwealth States Order)

<p>Mutual Legal Assistance and Financial Crimes & Financial Services Commission Unit</p>	<p>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. (N.B. Requests are made by/accepted from treaty states and designated Commonwealth States).</p>
<p>Human Rights Intellectual Property and Sexual Offences Unit</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>Home Circuit Administrative Unit</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>Privy Council Unit</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 & Barristers in the United Kingdom for the Privy Council.</p>
<p>Corruption Prevention and Coroners Matters Unit</p>	<p>This unit handles all files sent to the office for rulings concerning breaches of the <i>Corruption Prevention Act</i> 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</p>

	coroners' matters.
Labour Relations and Industrial Disputes Unit	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.
Environment Unit	This unit is responsible for prosecuting and giving advice on matters of concern in this area.
Legal Reform Unit	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.
Clerks of Court Liaison Unit	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.
Gun Court Matters Unit	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
Digital Evidence & Cyber Crimes Unit	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 1st 2010 to March 31st 2011 was **\$210,999,000.00**. An increase of **\$56,186,000.00** over the financial year April 2009 – March 31, 2010. The actual expenditure for the period under review was **\$191,289,131.99**. 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. **\$134,412,530.31** was spent on salaries and **\$36,498,787.43** on travel and subsistence payments.

STAFF RELATED MATTERS

Staffing

The amount of criminal matters listed for prosecution continued its increasing trend during the period under review and this impacted negatively on the performance of the Office. The Director wishes to make the point once more that a way must be identified to address the plight of the Department in terms of staffing and accommodation in the short term.

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

POSITION TITLE	NO. OF POSTS
Director of Public Prosecutions	1
Senior Deputy Director of Public Prosecutions	3
Deputy Director of Public Prosecutions	5
Assistant Director of Public Prosecutions	10
Crown Counsel	18
Prosecutor	4
Assistant Crown Counsel	2
Legal Officer	1

POSITION TITLE	NO. OF POSTS
Manager, Human Resource Management & Administration	1
Administrator 3	1
Administrator 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)	1
Casual (Part time)	2

Engagement of Former Prosecutors

There was no decrease in the number of complex criminal matters to be prosecuted. During the period under review the Office of the Director of Public Prosecutions continued to engage the services of one (1) former experienced prosecutor.

STAFF CHANGES

Departures

Seven (7) members of the legal staff were separated from the Office of the Director of Public Prosecutions during the period under review. Two (2) senior members of the legal staff were promoted to act as Resident Magistrates and two (2) opted to continue in the legal profession overseas. In addition three (3) members of the administrative staff were also separated from the Office. Two (2) proceeded on retirement, one on the ground of age and the other on medical grounds, and the third took up an assignment at a higher level in another government department.

Organizational Review of the Office

As outlined in the summary there is an urgent need for a review of the structure the Office because the volume of work can no longer be efficiently managed by the present staff complement.

The table below provides details on the number of criminal matters listed for prosecution during the period 2003 – 2011. The workload has increased significantly. In addition the Office has to process extradition requests, mutual legal assistance requests, represent the Office in matters in the Court of Appeal, do bail applications, prosecute in the Corporate area Gun Court (which in March had 3939 cases listed for trial) and rule on files submitted to the Office in respect of police excesses in the performance of their duties.

YEAR	PARISH CIRCUIT	HOME CIRCUIT	REGIONAL GUN COURT	RURAL GUN COURT
2003 - 2004	687	370	211	351
2004 - 2005	853	495	218	357
2005 - 2006	909	625	291	474
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2007 - 2008	969	881	365	496
2008 - 2009	1130	1052	286	552
2009 - 2010	1268	1316	264	363
2010 - 2011	1480	1481	339	406

As part of the modernization of the Office it is necessary to have an Information Technology person stationed at this Office. The presenting of technical electronic evidence at some of the trials is time consuming and from time to time persons who have a flair for technology have been asked to do the demonstration in the Courts. This usually results in the duties of that individual being treated as secondary. This request for an organizational review has already been forwarded as one of the priority action for this Office.

A review of the organizational structure of the Office has to be undertaken as a matter of priority. The request for an increase in the staff complement and the reclassification of jobs has already been forwarded to the Ministry of Justice as one of the priorities for the Office over the next three (3) to six (6) months. To enable the ODPP to perform at optimal level the following positions listed below would need to be added to the existing staff complement:-

# OF POSTS	POSITION TITLE
10	Prosecuting Attorneys
2	Paralegal Officers
3	Administrative Assistants
1	Records Officer
1	Systems Administrator
1	Technician
1	Human Resource Officer

The request for an increase in the staff complement and the reclassification of jobs has already been given as priorities for the Office over the next three (3) and six(6) months.

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:-

- One senior prosecutor attended the International Association of Prosecutors Conference in the Hague, Netherlands from September 5 – 9, 2010. The theme of the Conference was “Crossing Borders with emphasis on Trans-national crime”.
- Two (2) senior prosecutors were participants in a special US Embassy sponsored training funded by the USPTO Global Intellectual Property Academy CARICOM/European Development Fund during the period September 13 – 15, 2010 in Port of Spain, Trinidad. The participants were sensitized to the importance of making criminal prosecution a part of the Patent Act and how patent infringement is tackled in the United States of America. The infringement is categorized as civil or criminal and severe penalties are imposed for infringements.
- One prosecutor, who is a member of the Mutual Legal Assistance and Financial Crimes Unit, was the beneficiary of a professional attachment to the chambers of Andrew Mitchell, Q.C. in the United Kingdom during the period September 9, 2010 to October 21, 2010. Mr. Mitchell’s chambers specializes in the prosecution and defence of Proceeds of Crime cases.
- Three senior prosecutors were invited to attend the 1st International Association of Prosecutors (IAP) North American and Caribbean Regional Conference in Bermuda from November 17 – 19, 2010. The theme of the Conference was “International Challenges and Co-ordinated Solutions”. One member of the team was one of the main presenters.

All the participants reported that they benefitted from their attendance as well as participation in the seminar/workshop/conference/ 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, 2010 – MARCH 31, 2011

Once again the activities of the various Courts did not meet the expectations of the ODPP. As mentioned in the Executive Summary, the ODPP has very little control over the number of factors which contribute to the number of matters disposed of at the end of each term.

There was a significant increase in the number of cases listed for trial in the Rural Circuit Courts, the Rural Gun Courts and the Regional Gun Court. There was a decrease in the number of extradition requests received for extradition, the number of mutual legal assistance requests and appeals to the Court of Appeal. There was also a significant reduction in the number of files received for rulings.

One of the main contributing factors to the non-disposal of matters is the persistence of insufficient 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 and continued to have a negative impact on our ability to convince some witnesses to give evidence in trial matters.

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 **399 *Nolle prosequis*** were entered broken down as follows:-

288 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*, **3** in the Resident Magistrates' Court , **5** in the Home Circuit Court, and **7** Rural Circuit Court. (Those matters come to an absolute end)

84 *nolle prosequis* because of Witness unavailability, **33** in the Home Circuit Court, **36** in the Resident Magistrates' Court, **2** Family Court, and **13** in Rural Circuit Court. (In the event that the Witnesses are found or turn up at a later date those matters can be re-opened)

12 *nolle prosequis*, **3** relating to new Resident Magistrate and **9** 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). **(See Table 1 for details.)**

Corruption Prevention Matters

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

Extradition Requests Received

3 extradition requests were received. This was a significant decrease compared to **12** during the 2009/2010 review period.. There were **2** extraditions. **1** request was still being processed. **2** requests were received from the United States of America and **1** from the United Kingdom. **(See Table 2 for more details)**

Mutual Legal Assistance Requests

19 requests were received during the period under review. **12** requests were completed **5** were still being processed , **1** was put on hold at the request of the requesting state and **1** was not being pursued. **11** of the requests were from the United Kingdom. There was a decrease in the number of requests received compared to 25 requests received during 2009/2010. **(See Table 3 for details).**

Jamaica Mutual Legal Assistance (JAMLA) Requests

9 requests were made to the participating states. **1** was completed and **8** requests were still being processed. **4** of the requests were made to the United Kingdom. **(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

1480 cases were listed for trial, an increase of 212 cases or over the same period for the previous year. 306 or 20.68% of the cases were disposed of and 1174 or 79.32% of the cases were traversed to the next term. Murder cases accounted for 456 of the cases listed and sexual offences for approximately 700 of the cases. Four (4) parishes accounted for the highest number of the cases listed for trial namely St. Catherine (216) St. Thomas (197) Clarendon (176) and St. Ann (211) accounted for the highest number of the cases listed for trial. (See Tables 5, 5a, 6 & 6a for more details).

Home Circuit Court

There was an increase in the number of cases listed for trial. 1481 cases were listed for trial compared to 1316 during the review period 2009/2010. 209 or 14.11% of the cases were disposed of and 1272 or 85.89% of the cases were traversed to the next term. Both Capital Murder and Non-Capital Murder accounted for 839, the highest number of cases. (See Tables 6, 6a & 6b for details).

Gun Court Cases

Corporate Area Gun Court

559 new cases were listed during the period under review and 435 cases were disposed. A total of 3939 cases were traversed for the next term. Data for the month of June was unavailable at the time of the preparation of this report. (See Table 7 & 7a for details)

Rural Gun Court

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

637 cases were listed for the period under review. There was a significant increase. An additional 274 cases over the same period for the previous year. 231 or 36.26% cases or of the cases listed were disposed of. 406 cases or 63.74% of the cases were traversed to the next term. (See Table 8)

Regional Gun Court

(St. James, Trelawny, Westmoreland and Hanover)

The total number of cases listed for trial was **339**, an increase of 75 cases over the 2009/2010 review period. **173** cases or **51.03%** of the cases listed were disposed of. **166** cases were traversed to the next term. St. James with **169** cases accounted for the majority of the cases listed for trial. **(See Table 9 for details)**

Court of Appeal

There was a decrease in the number of cases listed. A total **220** cases were listed for hearing. **158** cases were disposed of and **79** 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. **449** 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 **245** were received from the Bureau of Special Investigations. The Anti-Corruption Branch with **72** was next in line. **397** rulings were made. This represented **88.42%** of the files received. **(See Tables 11, 11a & 11b for more details).**

TABLE 1

NOLLE PROSEQUI

April 1, 2010 – March 31, 2011

LOCATION	VOLUNTARY BILL	COMPLAINT/ WITNESS UNAVAILABILITY	NEW JUDGE/ RESIDENT MAGISTRATE	UNCONDITIONAL STRAIGHT NOLLE PROSEQUI	TOTAL
Circuit Court	9	33	4	5	51
RM Court	83	36	3	3	125
Family Court	32	2	-	-	34
Rural Courts	164	13	5	7	189
TOTAL	288	84	12	15	399

TABLE 2

Overview of Extradition Requests

April 1, 2010 - March 31, 2011

COUNTRY	# OF CASES	EXTRA- DITED	BEFORE THE COURT	WARRANT WITH POLICE	OTHER
USA	2	2	-	-	-
UNITED KINGDOM	1	-	-	1	-
TOTAL	3	2	-	1	-

TABLE 3

Overview of Mutual Legal Assistance Requests

April 1, 2010 – March 31, 2011

REQUESTING STATE	# OF FILES RECEIVED	REQUESTS BEING PROCESSED	REQUESTS COMPLETED	REQUEST NOT BEING PURSUED	REQUESTS ON HOLD
UNITED KINGDOM	11	2	8	1	-
BERMUDA	1	-	1	-	-
PANAMA	1	-	1	-	-
UNITED STATES OF AMERICA	5	2	2	-	1
ARUBA	1	1	-	-	-
TOTAL	19	5	12	1	1

TABLE 4

Overview of Jamaica Mutual Legal Assistance (JAMLA) Requests

April 1, 2010 – March 31, 2011

STATE	# OF REQUESTS	REQUESTS COMPLETED	REQUEST PENDING
UNITED STATES OF AMERICA	3	-	3
UNITED KINGDOM	4	-	4
CANADA	1	-	1
GUYANA	1	1	-
TOTAL	9	1	8

TABLE 5A
Overview of Parish Circuit Court Cases
April 7, 2010– April 15, 2011

Parishes	# Cases Listed	# Cases Dis-Posed of	# Cases Tra-Versed	Trans-Fered	Bench War-Rant	Murder	Incest	Rape	Carnal Abuse	Wounding With Intent/ Assault	Man-Slaught /er	Buggery	Other
Clarendon	176	38	138	3	-	89	-	27	23	18	2	14	6
St. Catherine	216	41	175	-	1	44	7	43	78	8	19	13	4
Hanover	50	15	35	-	-	8	-	10	6	20	2	-	4
Trelawny	86	28	58	-	-	16	3	25	17	11	9	2	3
St. Thomas	197	32	165	-	1	31	-	53	67	21	5	3	17
St. Ann	211	34	177	4	1	68	10	28	30	48	12	4	11
St. Mary	88	19	69	-	1	27	5	29	14	4	3	5	1
Portland	56	17	39	1	-	11	-	16	12	10	2	2	3
Westmoreland	107	28	79	4	-	41	-	20	21	11	9	3	2
St. Elizabeth	101	7	94	-	-	32	3	15	14	25	4	3	5
St. James	100	27	73	2	1	56	3	10	13	1	11	-	6
Manchester	92	20	72	-	-	33	-	9	28	9	4	4	5
TOTAL	1480	306	1174	14	5	456	31	285	323	183	82	53	67

Table 5A
Pictorial Overview of Listed Parish Circuit Court Cases

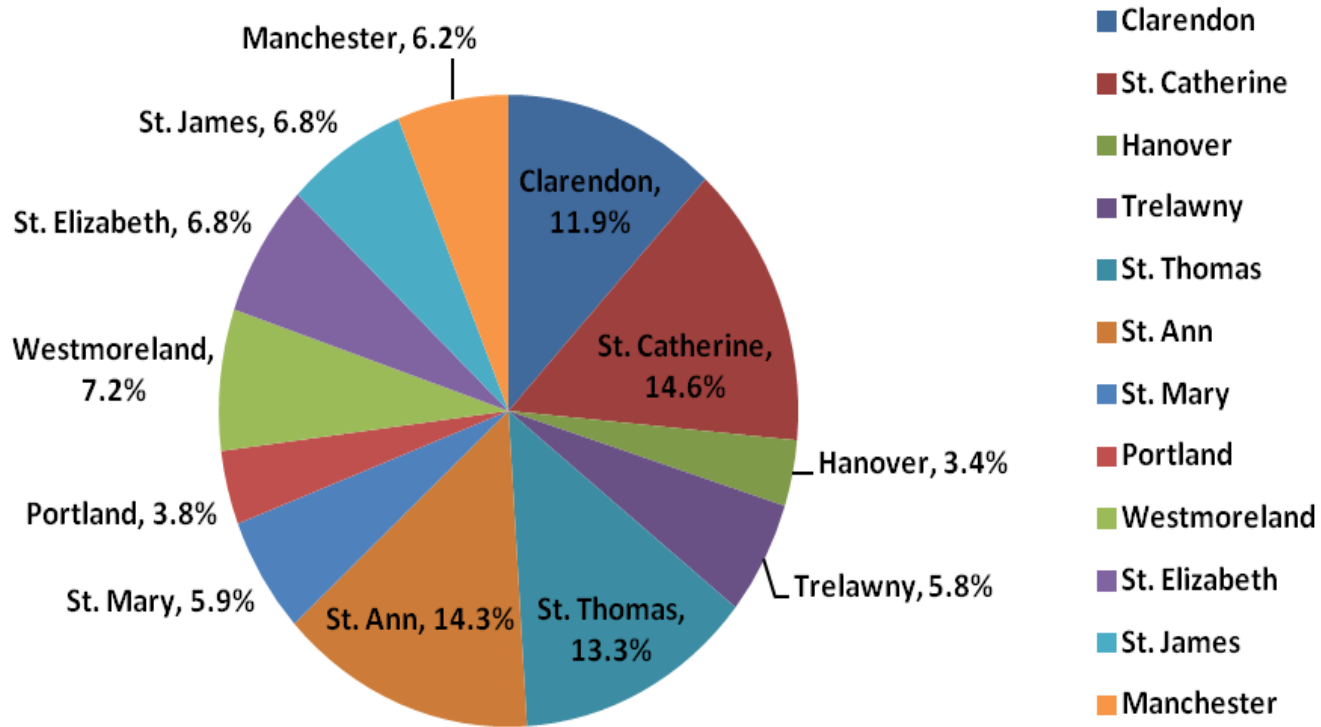


Table 5A
Pictorial Breakdown of Parish Circuit Court Cases

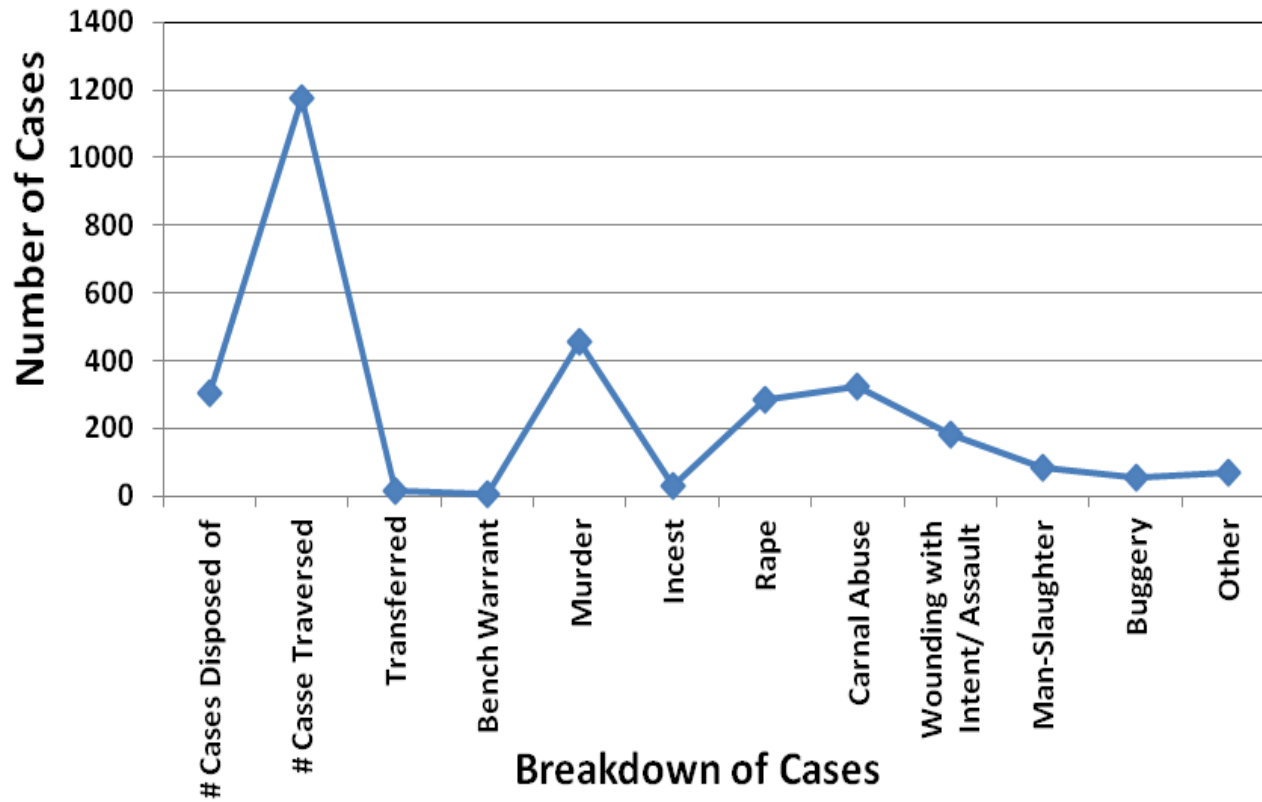


TABLE 5B

Quarterly Summary of Parish Circuit Court Cases

April 7, 2010 – April 15, 2011

Review Period	Clarendon	Saint Catherine	Hanover	Trelawny	Saint Thomas	Saint Ann	Saint Mary	Portland	West-moreland	Saint Elizabeth	Saint James	Manchester	Total
April – July '10	61	49	18	27	61	48	28	15	31	30	34	29	431
September - December '10	57	75	19	31	65	75	30	21	36	34	41	27	511
January – March '11	58	92	13	28	71	88	30	20	40	37	25	36	538
TOTAL	176	216	50	86	197	211	88	56	107	101	100	92	1480

Table 5B
Pictorial Overview of Quarterly Summary of
Circuit Court Cases

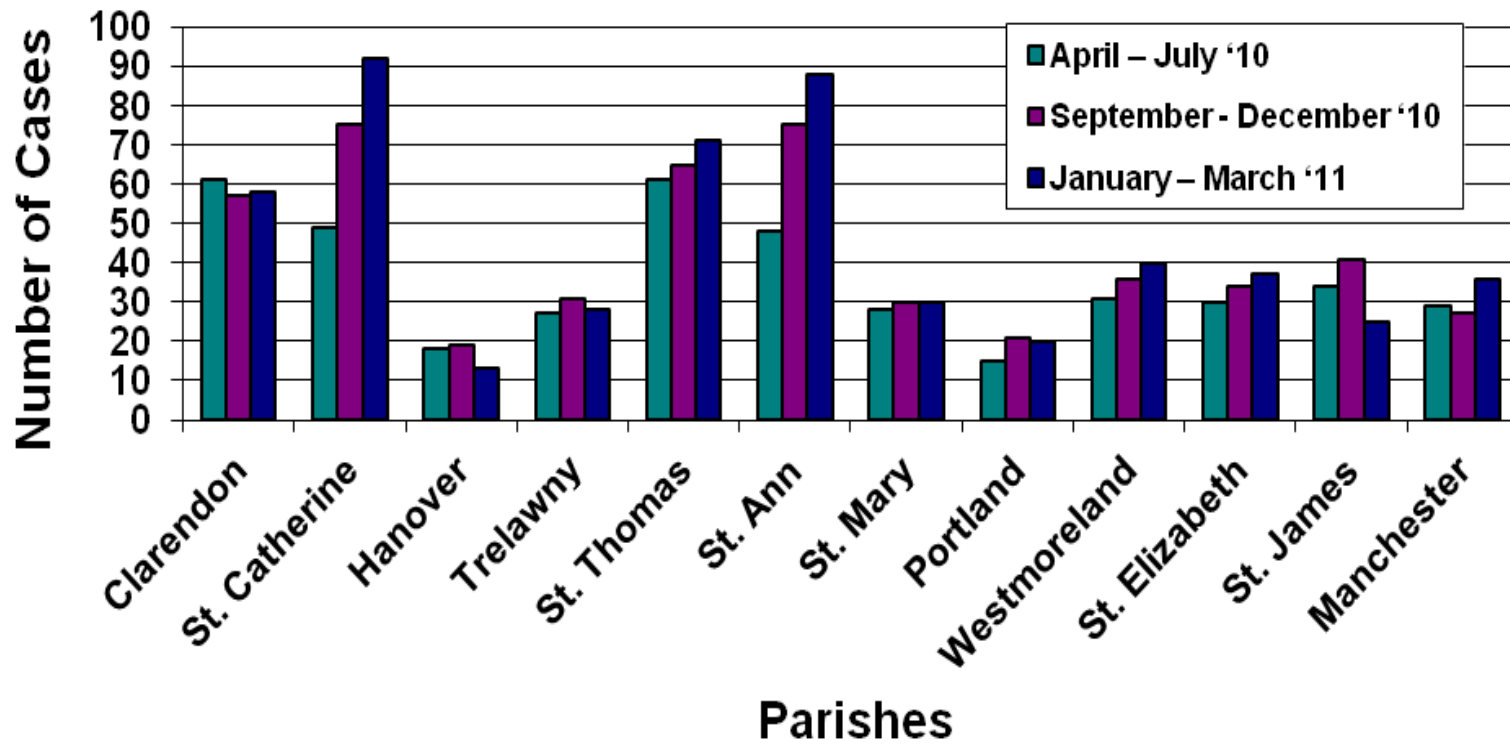


TABLE 6

Overview of Home Circuit Cases

April 7, 2010 – April 15, 2011

TOTAL CASES LISTED	# CASES DISPOSED OF	# OF CONVICTIONS	# OF ACQUITTALS	# OF NOLLE PROSEQUI	OTHER	# CASES TRAVERSED
1481	209	66	87	16	40	1272
		31.58%	41.63%	7.65%	19.14%	

Table 6A
Pictorial Overview of Home Circuit Court Cases

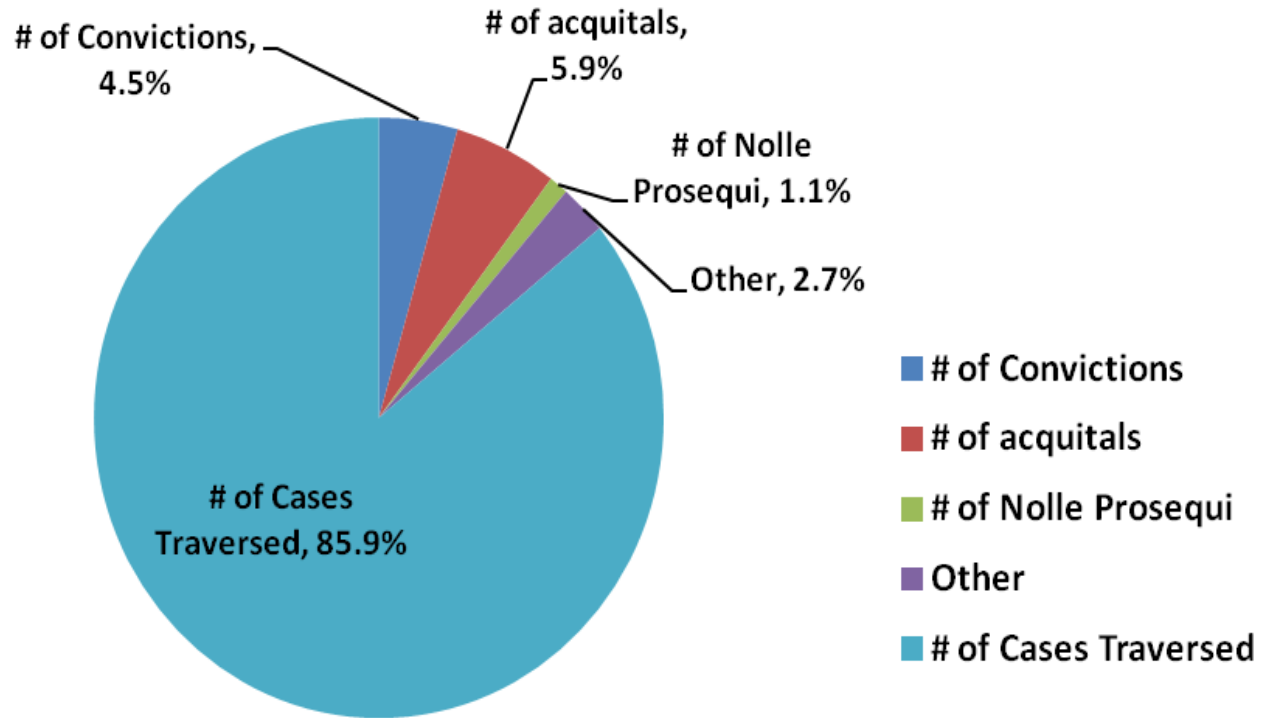


TABLE 6B

Overview of the Home Circuit Cases Traversed

April 7, 2010 – April 15, 2011

# Cases Traversed	Capital Murder & Murder	Incest	Rape	Carnal Abuse	Wounding With Intent Assault	Causing Death by Dangerous Driving	Man-Slaughter	Human Trafficking	Other
1272	839	8	108	130	77	4	21	2	83
	65.96%	0.63%	8.49%	10.22%	6.05%	0.31%	1.65%	0.16%	6.53%

Table 6B
Pictorial Overview of Home Circuit Cases Traversed

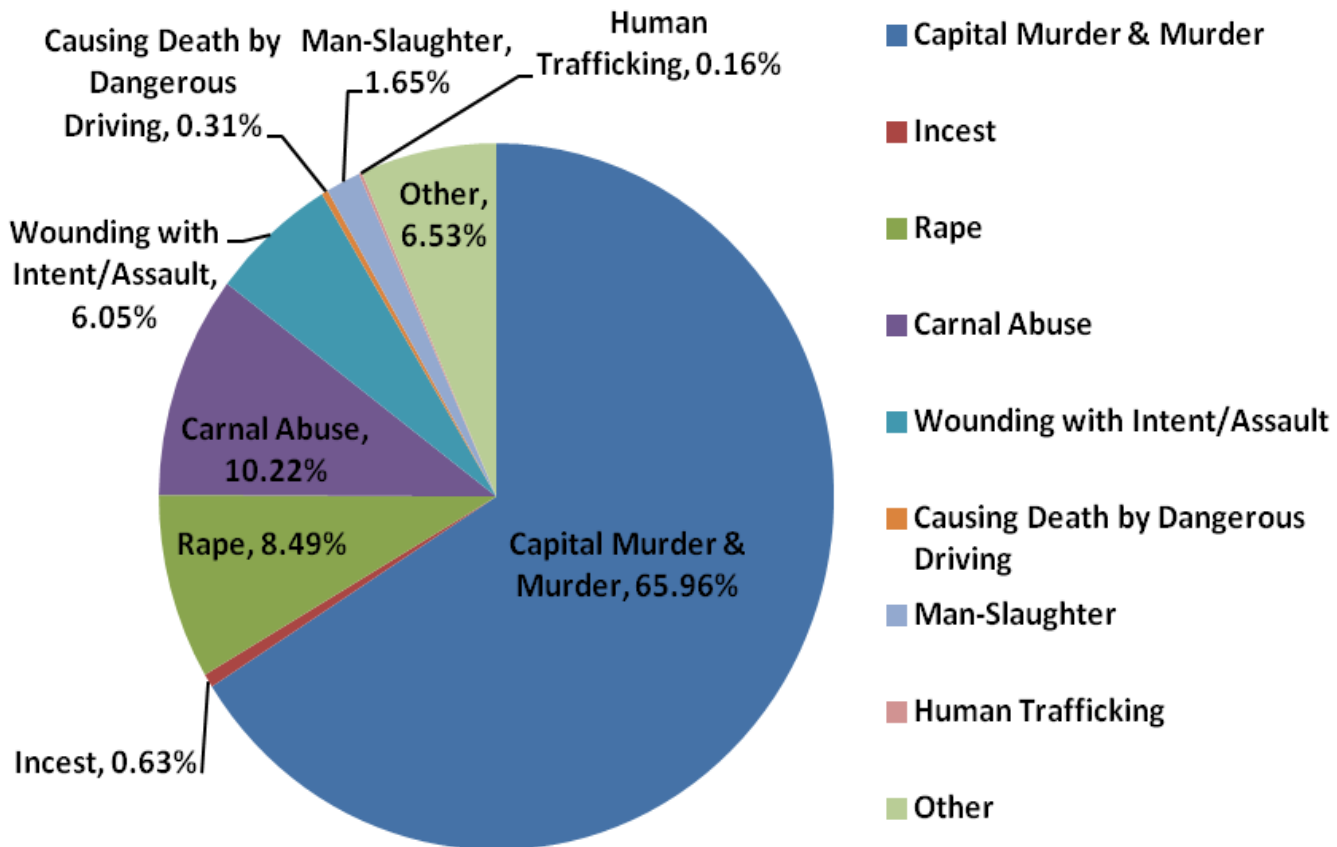


TABLE 7

Overview of Corporate Area Gun Court Cases

April 1, 2010 – March 31, 2011 (Excluding June 2010)

	April	May	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	TOTAL
Cases Traversed	3922	3930	3978	4011	4014	4024	4032	4021	4020	4019	3922	
New Cases	53	64	71	34	36	46	38	43	67	61	46	559
Total Cases	3975	3994	4049	4045	4050	4070	4070	4064	4087	3958	3968	
Cases Disposed of	45	31	38	31	26	38	49	44	68	36	29	435
Cases Pending	3939	3963	4011	4014	4024	4032	4021	4020	4019	3922	3939	

TABLE 7A

Breakdown of Corporate Area Gun Court Cases Disposed of

	April	May	July	August	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	TOTAL
Acquittals	22	16	8	14	11	10	18	6	22	17	10	154
Convictions	7	4	13	10	7	12	13	22	15	5	8	116
Dismissed for Want Of Prosecution	16	8	-	1	-	1	-	-	3	1	-	30
Transferred to RM	-	-	1	1	-	1	-	1	-	-	-	4
Adjourned Sine Die	-	-	-	-	-	-	2	-	-	-	-	2
Nolle Prosequi	-	2	1	-	-	1	1	-	1	-	-	6
No Evidence Offered	-	1	13	5	8	13	14	7	27	12	11	118
No Order Made	-	-	-	-	-	-	-	7	-	-	-	7
Deceased	-	-	2	-	-	-	1	1	1	-	-	5
TOTAL	45	31	38	31	26	38	49	44	68	36	29	435

Table 7A
Pictorial Breakdown of Disposed of Cases

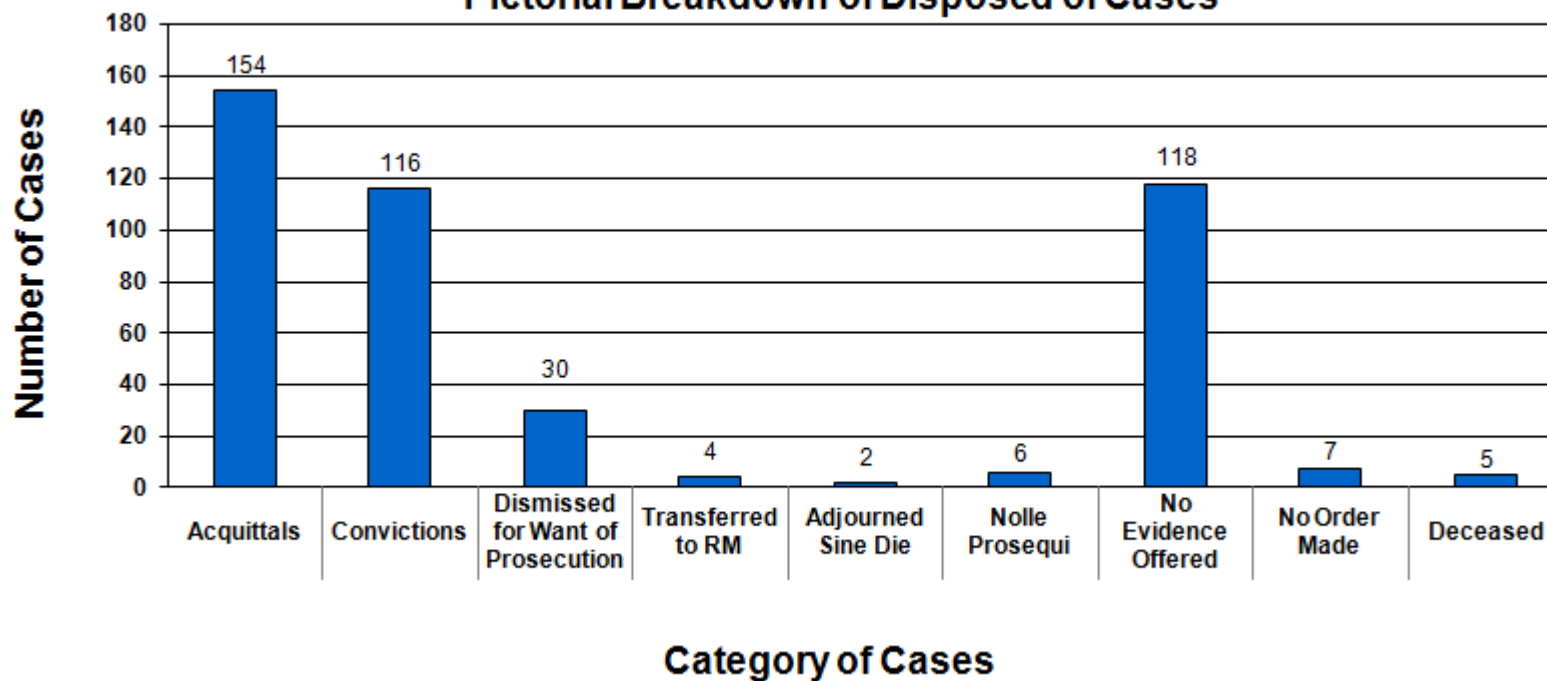


TABLE 8

Overview of Rural Gun Court Cases
April 7, 2010 – April 15, 2011

<i>PARISHES</i>	<i>TOTAL # CASES LISTED</i>	<i>TOTAL # CASES DISPOSED OF</i>	<i>TOTAL # CASES TRAVERSED</i>
Clarendon	166	92	74
St. Mary	73	32	41
St. Elizabeth	89	17	72
Manchester	154	55	99
Portland	37	6	31
St. Thomas	12	2	10
St. Ann	106	27	79
TOTAL	637	231	406

TABLE 9

Overview of Regional Gun Court Cases

January – March 2009

<i>PARISHES</i>	<i>CASES BROUGHT FORWARD</i>	<i>NEW CASES</i>	<i>TOTAL # CASES LISTED</i>	<i>TOTAL # CASES DISPOSED OF</i>	<i>TOTAL # CASES TRAVERSED</i>
St. James	68	101	169	86	83
Trelawny	12	22	34	22	12
Westmoreland	23	60	83	38	45
Hanover	16	37	53	27	26
TOTAL	119	220	339	173	166

SUMMATION

<i>TOTAL # CASES LISTED</i>	<i>TOTAL # CASES DISPOSED OF</i>	<i># OF CONVICTIONS</i>	<i># OF ACQUITTALS</i>	<i>OTHER</i>
%TAGE				

TABLE 10

Overview of Court of Appeal Cases

April 1, 2010 – March 31, 2011

Appeals From	Pending/ New Cases	Cases Listed For Hearing	Cases Disposed Of	Allowed	Dismissed	Acquitted	Reserved	Retrial	TOTAL
Supreme Court	99	184	129	15	68	10	19	17	129
Resident Magistrate Court	21	36	29	10	11	4	3	1	29
TOTAL	120	220	158	25	79	14	22	18	158
			71.18%	15.82%	50.00%	8.86%	13.93%	11.39%	

TABLE 11

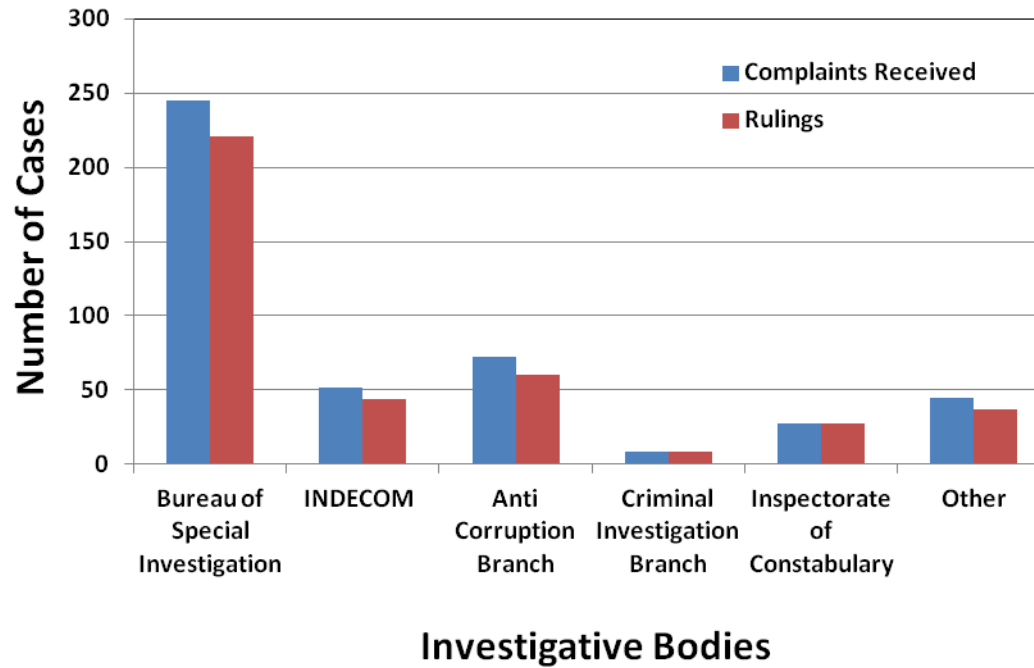
Files for Rulings

April 1, 2010 – March 31, 2011

<i>INVESTIGATIVE BODY</i>	<i>COMPLAINTS RECEIVED</i>	<i>RULINGS</i>	<i>% TAGE DISPOSAL</i>
Bureau of Special Investigation	245	221	90.20%
INDECOM	52	44	84.61%
Anti Corruption Branch	72	60	83.33%
Criminal Investigation Branch	8	8	100.00%
Inspectorate of Constabulary	27	27	100.00%
Other	45	37	82.22%
TOTAL	449	397	88.41%

***** 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
Pictorial Overview of Files for Ruling**



SUMMATION

<i>TOTAL # RULINGS</i>	<i>CHARGE</i>	<i>CORONER</i>	<i>DEPARTMENTAL ACTION</i>	<i>NO CHARGE</i>
397	86	137	70	104
<i>% TAGE</i>	21.66%	34.51%	17.63%	26.205

Table 11B
Pictorial Summary of Rulings

