

BACKGROUND JAMAICAN JUSTICE SYSTEM REFORM MANDATE

The Government of Jamaica through the Ministry of Justice and the Public Sector Reform Unit (PSRU) of the Cabinet Office has established a Jamaican Justice System Reform initiative. The Jamaican Justice System Reform (JJSR) will inquire into the state of the justice system on a comprehensive basis and develop strategies and mechanisms to facilitate the modernisation of the justice system so that it is better able to meet the current and future needs of Jamaicans. A modern justice system will be more efficient, accessible, accountable, fair and able to deliver timely results in a cost-effective manner.

The JJSR process is being led by the Jamaican Justice System Reform Task Force (JJSRTF), which was established in November 2006 and must report by June 2007. A list of the Task Force members is attached to this document. More information about the JJSRTF is available at its website <http://www.moj.gov.jm>

The JJSR Task Force is mandated to explore reform options for both the civil and criminal components of the justice system. While we expect comments and recommendations on a wide range of issues including Crime Prevention, Corrections, and general areas of policing, we are particularly interested in commentary on Court and Court-connected resolution processes and how these may be addressed to bring efficiencies in the delivery of justice for all.

This reform process will result in practical recommendations for action focusing on proposals that will produce meaningful results in enhancing access to justice for Jamaicans and that will be suitable for implementation within a reasonable amount of time. The JJSRTF final report will provide a framework and road map designed to bring the Jamaican justice system into the 21st century.

The JJSRTF has undertaken a broad research, consultation and communications programme to enable it to carry out its work and to promote individual and collective engagement in the process of justice system reform. In particular, it will actively involve representatives of the legal, judicial, governmental and administrative actors within the justice system as well as with representatives of the users of the justice system and the general public. One mechanism for this broad involvement is a call for written submissions from interested organisations and individuals. The JJSR will also involve public consultation sessions, interviews and focus group sessions.

ISSUES FOR CONSULTATION

The following are areas in the justice system that have been identified as in need of reform, as well as some potential considerations for reform. You are invited to comment on any or all of these issues and in so doing, to consider the following questions:

- What are the most pressing issues for modernising and reforming the justice system?

- Which solutions are likely to have the most positive impact on modernising the justice system so that it is able to meet the needs of all Jamaicans?
- Are the problems identified more acute in certain parts of Jamaica than in others, or in certain types of cases?
- Do the problems identified have a greater impact on certain groups of people than on others?
- Are there feasible options to introduce greater technology into the justice system to make the courts more accessible and efficient?
- Are there other areas of reform that should be addressed but are not mentioned in this consultation paper?
- Are there other solutions that you would recommend that are not mentioned in this consultation paper?

ACCESS TO JUSTICE

- What are the most pressing issues with respect to ensuring equal access to justice?
- What are the major barriers to equal access to justice and how can they be overcome?
- What measures are currently being made to increase public understanding and awareness about the courts and their legal rights and obligations?
- Is the point of entry information and advice currently offered to users of the courts sufficient? If not what other types of information are required and what is the best way to provide it?
- Are the courts sufficiently oriented to provide customer service? If not, what steps should be taken to increase the customer service orientation of the courts?
- What additional steps should be taken to increase public understanding and awareness about the courts and their legal rights and obligations?
- Are the existing mechanisms to provide legal assistance and representation to the accused or litigants who cannot afford to retain counsel (e.g. legal aid) sufficient?
- What changes should be made to the provision of legal aid?

GENERAL COURT SYSTEM STRUCTURE AND ADMINISTRATION

- What are the most pressing concerns with respect to court administration and management?
- What are the most pressing issues with respect to the physical condition of courthouses?
- Should any changes be made to the jurisdiction of existing courts?
- Should any changes be made to the location of courts across the island?
- Should the Supreme Court be regionalised?
- Should the parish court structure be amended?
- Is there appropriate specialisation in the courts?
- How are the specialised courts (e.g. Gun Court, Coroner's Court, Children's Court, Drug Court and so on) working? Are they efficient / effective?
- Should the role, function and/or jurisdiction of the Resident Magistrates' courts be modified?
- Should the jurisdiction of the Justices of the Peace be modified?
- Are the existing methods for recordkeeping and data collection in the courts adequate to meet the modern day requirements?
- Are the existing methods for court reporting sufficient?
- Is there sufficient collaboration between actors and organisations involved in the justice system? If not what steps should be taken to increase collaboration?
- Are the processes for court administration and management sufficiently transparent?
- What changes are required to update court administration and management practices in order to meet current and future needs?

CRIMINAL JUSTICE PROCESSES REFORM

- What are the most pressing issues with respect to the criminal justice process in the Supreme Court? in the Court of Appeal? in the Resident Magistrate's courts?
- What are the most significant causes of delay in the criminal justice process? What steps should be taken to address it?
- What steps should be taken to address the existing backlog of criminal cases?

- Should criminal case management be introduced into the court system? Why or why not?
- How could criminal case management be effectively implemented in the Jamaican context?
- Have alternative dispute resolution mechanisms such as diversion been adequately integrated into criminal justice processes at the various levels of court? What other steps should be taken in this regard?
- Should any changes be made to current approach to preliminary enquiries?
- Should plea bargaining be introduced? If so what model would you recommend?
- What are the most pressing issues with respect to the role and function of juries?
- Should any changes be made to the process for selecting juries?
- Should any changes be made to the use of juries in criminal matters?
- Should the role, function and/or accountability structure of the clerks of the court be modified?
- What are the most pressing issues with respect to modernisation of the role and function of public prosecutors?
- What are the most pressing issues with respect to assistance to victims of crime?
- What are the most pressing issues with respect to assistance to witnesses?
- What are the most pressing issues with respect to young offenders?

CIVIL JUSTICE PROCESSES REFORM

- What are the most pressing issues with respect to civil justice processes in the Supreme Court? in the Court of Appeal? in the Resident Magistrates' courts?
- What are the most significant causes of delay in the civil justice process?
- How are the new Civil Procedure Rules working in the Supreme Court? What other steps need to be taken to implement the Rules?
- Have alternative dispute resolution mechanisms been adequately integrated into civil procedures at the various levels of court? What other steps should be taken in this regard?
- Are there problems with the processes established to deal with small claims? Should the simplified procedures for small claims be applied to a greater range of cases?

- Should the role, function and operations of the bailiff system with respect to the enforcement of civil process be modified?

PROFESSIONALISM IN SUPPORT OF JUSTICE REFORM

- What are the most pressing issues with respect to the selection, training and professional standards of all individuals working in the justice system?
- What are the most pressing issues with respect to training and education?
- Is the complement of judges adequate to meet the current needs? in the Supreme Court? in the Court of Appeal? in the Resident Magistrates' courts?
- Should any changes be made to the process for appointing judges at all levels of the justice system?
- What are the most pressing issues with respect to judicial training?
- Should increased judicial specialisation be encouraged? If so, how?
- What are the most pressing issues with respect to legal training (private bar and public bar)?
- Are the existing accountability and discipline mechanisms for the legal profession sufficient?
- Are the existing accountability and discipline mechanisms for the judiciary sufficient?
- Are the existing accountability and discipline mechanisms for other officials working in the justice system sufficient?
- What are the most pressing issues with respect to training of other court personnel (administrators, court reporters, front line staff and so on)?

RESTORATIVE JUSTICE

Restorative Justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future. The objectives of restorative justice initiatives include: attending to the needs of victims and their families; enabling the offender to take responsibility for his or her actions; to prevent re-offending and to focus on reintegration and rehabilitation.

- What are the most pressing issues with respect to the integration of restorative justice initiatives into the justice system?

- How can restorative justice processes (such as victim-offender reconciliation, family conferences, circle conferences) be effectively integrated into the justice system?
- Which restorative justice initiatives are working well? What can be learned from this experience?
- Which restorative justice principles should be adopted?
- What are the training needs to implement a restorative justice policy?
- What policy and guidelines are required to effectively integrate restorative justice practices in the current Jamaican context?

PROMOTING A CIVIL LIBERTIES CULTURE

- What are the most pressing issues with respect to effectively ensuring human rights and civil liberties in the administration of justice?
- What steps should be taken in order to promote a civil liberties culture in the administration of justice?
- Are there education measures that could assist in promoting a civil liberties culture? What are the training needs in this regard?
- What policies and guidelines could be developed to promote a civil liberties culture?

PROMOTING A PERFORMANCE AND EVALUATION CULTURE

- What steps can be taken to enhance a performance and evaluation culture within the justice system?
- What steps can be taken to facilitate justice system reform on an ongoing basis?

DECEMBER 11, 2006

JAMAICAN JUSTICE SYSTEM REFORM
CONSULTATION DOCUMENT

WE WOULD LIKE TO HEAR FROM YOU

Jamaica has a strong justice tradition, which is an important part of our national identity. At the same time most of us are aware that there are problems with the administration of justice and the state of our court system.

This consultation paper outlines in general terms some of the problems that have been identified as areas where reform may be needed, as well as possible reform options. This is not an exhaustive list. The JJSRTF invites comments on any of the issues identified below, and any other suggestions for improving the justice system in Jamaica.

Please submit your comments and recommendations **by February 15, 2007**.

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Thank you for your participation!