



MINISTRY OF
JUSTICE
BALANCING RIGHTS & RESPONSIBILITIES

SECTORAL PRESENTATION 2022
WEDNESDAY, MAY 4, 2022 | GORDON HOUSE



ACCESS TO JUSTICE FOR A BETTER JAMAICA



The Honourable Delroy Chuck, QC, MP
MINISTER OF JUSTICE



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ACKNOWLEDGEMENTS

Madam Speaker,

In what continues to be challenging times for our nation and the world by extension, I am extremely grateful for the opportunity to report on the achievements of the Ministry of Justice in this my seventh consecutive year as Minister of Justice. It is also with an immense sense of pride, that I highlight the privilege of appearing in this Honourable House on behalf of the constituents of North East St Andrew, serving as their Member of Parliament for 25 years.

Mr Prime Minister, I am thankful for your confidence in my ability to continue the drive of “Access to Justice for a Better Jamaica”, as we build on the pillars towards a reformed and improved Justice Sector.

To my hardworking team at the Ministry of Justice, thank you. I acknowledge the Acting Permanent Secretary, Mrs Grace Ann Stewart McFarlane for taking on the herculean task of ensuring that the plans and policies towards a reformed Justice Sector are met. The task is in no way an easy one, and without the Ministry’s team, the advancements in the Justice Sector could not be achieved.

Madam Speaker, the Judiciary, under the sterling guidance of the Chief Justice, the Hon. Mr Justice Bryan Sykes, and the staff of the Court Administration Division, are critical partners in the drive towards a First-Class Justice System. The partnership is one rooted in mutual respect and commitment to build a more resilient sector. The Judiciary and the Court system have my full support as we work together to provide a Justice System that Jamaicans can be proud of.

Special thanks to:

- President of the Court of Appeal, The Honourable Mr Justice Patrick Brooks; Appeal Judges and the Court of Appeal staff;
- Supreme Court and Parish Court Judges and their staff for their fulsome support of the Chief Justice to make our justice system the best in the Caribbean;
- Attorney General, Dr Derrick McKoy;
- Solicitor General, Mrs Marlene Aldred and her staff;
- Director of Public Prosecutions, Ms Paula Llewellyn and her staff;
- Director, Court Administration Division, Mrs Tricia Cameron-Anglin and her staff for their ongoing contribution.

Heartfelt thanks also to the various teams in the affiliated agencies and departments of the Justice Ministry including:

- The Administrator-General, Mrs Lona Brown and her staff, for protecting the interests of minors, creditors and beneficiaries of estates; and
- The Executive Director of the Legal Aid Council, Mrs Dian Watson and her staff.

Towards the end of the 2021/2022 fiscal year, our Prime Minister, the Most Honourable Andrew Holness, in an effort to place renewed focus on constitutional reform and its attendant matters, shifted some departments to the newly formed Ministry of Legal and Constitutional Affairs. These departments are the Office of the Parliamentary Counsel, the Legal Reform Department and the Law Revision Secretariat.

I express my gratitude to:

- The Chief Parliamentary Counsel, Miss Judith Grant and her staff; and
- The Director of Legal Reform, Ms Nadine Wilkins, and her staff, as well as the staff of the Law Revision Secretariat for contributing to the development of a robust legislative framework.

I also express thanks to our former Attorney General and colleague, Minister of Legal and Constitutional Affairs, Hon. Marlene Malahoo Forte. Also, special thanks to former Head of the Victim Services Division, Reverend Osbourne Bailey who has proceeded on pre-retirement leave following his years of dedicated service and commitment.

I also acknowledge the support of our stakeholders towards the Justice Reform programme. Special thanks to:

- The Delegation of the European Union to Jamaica;
- Global Affairs Canada;
- The United States Agency for International Development;
- The Inter-American Development Bank;
- The International Narcotics and Law Enforcement Section in the United States Embassy;
- The Foreign Commonwealth and Development Office;
- The United Nations Development Programme; and
- The United Nations' Children's Fund (UNICEF), for their continued support of the Justice Sector strategic objectives.

To my personal team of Close Protection Officer, Sergeant Howard Hamilton, and driver, Mr Oneil Ennis, heartfelt thanks. I am also grateful to my two councillors and constituency support staff who assist in my duties and ensuring a sixth consecutive term as Member of Parliament.

Last, and by no means least, I owe a debt of gratitude to my wife Patricia and all our family members for being there, as I undertake my duties as Minister of Justice and Member of Parliament.

My deepest gratitude to you all.

ACCESS TO JUSTICE: COURT OPERATIONS

Madam Speaker, as I reflect on the activities of the last year, I begin with highlights on the operation of the Courts.

Most of us would be aware by now that the pandemic, though challenging, presented an opportunity for the Courts to adjust operations to meet the demands of the public. This saw the introduction of electronic filing at the Court of Appeal and Supreme Court, which meant that Attorneys and litigants could file documents with the respective Registries even with extended lockdowns and periods when the courts could only offer reduced services.

The Judicial Case Management System (JCMS) which is currently in pilot in selected Courts has assisted in this effort as documents filed electronically were uploaded to the JCMS to allow for ease of access to the records and facilitate the progression of the cases in a timely manner.

The shift to the virtual space also included virtual hearings in most Courts. In the Court of Appeal, most, if not all matters were heard virtually. This is a rich experience for most Attorneys, some of whom appreciate the time and costs saved in making their presentations from their homes, offices or other convenient locations.

Madam Speaker, equipment to facilitate virtual hearings, is available in most courtrooms at the Supreme Court and the technology is now being replicated in other courtrooms across the island. I expect that by the end of this fiscal year each Parish Court should be able to conduct virtual hearings.

In addition to this, we expect that the backlog in cases should be significantly reduced even though we recognize that a major constraint which remains is the provision of outstanding transcripts. If transcripts can be provided on time, the target should be for applications to the Court of Appeal, to be completed within twelve (12) months, even though in some complex cases this may take longer.

As we work towards achieving this ideal, I am happy to report that there is some improvement in the time taken to deliver judgments as the records show that judgments were delivered for **268 cases** over the period April 2021 to March 2022. The judgment delivery rate over the period was **172%**. Since 2018 there have been **163** judgments delivered for every **100** judgments reserved, producing a judgments clearance rate of **163%**. This is an increase of 89 percentage points when compared to the previous five (5) years. At this rate, the Courts are on course to becoming current in terms of the delivery of judgments. This means that there should be no outstanding simple judgments for more than three months and there should be no outstanding judgments for complex matters for more than six months.

Madam Speaker, in the Supreme Court there is much concern regarding the inordinate delays in matters being completed from the time of filing or when the matter begins. Let me first indicate however, that in non-trial matters such as probate, divorces and chambers matters, including hearings before the Master in Chambers, there has been a significant reduction in the time to process and to complete. We are able to report that on average it takes 20 months to dispose of divorce petitions which is 6 months better than the average three years ago and in some instances, divorce petitions were granted within 16 weeks. Roughly **40%** of divorce cases are

currently being disposed with **12 months**, compared to **31%**, three years ago while **74%** of divorce cases are currently being disposed within **24 months**, compared to **65%** three years ago.

In respect to probate matters the average time to complete is **16.5 months** while some probate matters were delivered within **6 weeks** during the last year. **63.50%** of Probate cases are currently being disposed within **12 months** and another **22.40%** within **13-24 months**, thus roughly **86%** of Probate cases are currently being resolved within **24 months**. Three years ago, the overall average time taken to dispose of Probate cases was roughly three months higher than present and only **51%** of Probate cases were being disposed within **12 months** and **76%** were disposed within **24 months**.



Chief Justice the Honourable Mr. Justice Bryan Sykes, OJ, CD showing the audience a copy of the Judiciary's Remote Hearing Guidelines at a handover ceremony for two remote testimony units at the Ministry of Justice in St. Andrew on Friday, November 5, 2021.

Probate and matrimonial matters are expected to be processed at a faster pace following the establishment of the Family and Probate Division of the Supreme Court in September 2021. The Family and Probate Division is equipped with dedicated judges and there has been operational reform in these Registries which we anticipate will result in matters moving more efficiently.

Case Backlog

In addition, work continues towards reducing case backlog in the Courts. A case is considered to be in a state of backlog after being in the court system for over two years without being disposed of.

Currently, less than **5%** of active criminal cases in the Parish Court jurisdiction are in a state of backlog. **72.8%** of criminal cases filed in the Parish Courts are currently being resolved within **12 months** while **88.46%** are being disposed within **24 months**. The overall average time taken to dispose a criminal case in the Parish Courts is **11 months**.

In the civil division of the Parish Courts, the overall average time to disposition is currently **12 months** with **75.6%** of cases being disposed within **12 months** and roughly **88%** within **24 months**. Under **5%** of active civil cases in the Parish Courts are in a state of backlog. The estimated net case backlog rate across the specialized Family Courts is computed to be around **8.97%**, which is **3.97** percentage points above the maximum targeted figure set out by the Chief Justice. The average time taken to dispose of cases in the specialized Family Courts is currently **10 months**.

The Judiciary hopes to dispose of **95%** of cases coming into the courts within **24 months** from the date of filing by 2025. Based on the current performance of the courts, the Judiciary is on track to attain its target.

However, the real challenge **Madam Speaker**, is in trial matters. Chief Justice Sykes is determined to ensure trial date certainty and reduction in the number of mention dates. It is quite concerning that in the Civil Court, trials are now being placed in 2027 and 2028 which is five (5) plus years, and this is a 'lose-lose' situation for litigants. It is important and I will share with you later why the Government and the Ministry is promoting mediation as a strong alternative and encouraging litigants and Attorneys to use mediation, which is a 'win-win' situation. This

strategy will also ensure that matters can be settled within a reasonable time and as a result only difficult and complex matters need to be tried by the Courts and hopefully completed within three (3) years.

In criminal cases, **Madam Speaker**, many matters are still taking in excess of five (5) years to be tried. In most jurisdictions this would be a breach of the accused person's constitutional right to be tried by an independent tribunal within a reasonable time. We need to find additional ways and means to ensure that cases are completed within three (3) years. There is no shortage of courts which was the challenge in previous years but many are under-utilized.

I still believe however, that we need to use the Plea Negotiations and Agreements Act. Regrettably, this Act has earned an unnecessary bad image as it is seen as operating just when an accused pleads guilty, which is clearly not the case. The Act, as its name reflects, involves negotiation and agreement in which the accused is invited to plead guilty in consideration of an appropriate sentence to be negotiated between the prosecution and defence, and approved by the trial judge. In most cases, it involves a lesser sentence than would normally be imposed if the matter had gone to trial and a guilty verdict was found. But in appropriate cases even if the defence attorney seeks a reduced sentence, the judge could still impose the maximum sentence or a sentence that fits the nature and gravity of the crime. However, what is important is that at least in the sentencing process, the prosecutor plays a role and both the aggravating and mitigating factors are examined and where possible the victim or the victim's family and friends are consulted. This is how plea bargaining operates in the United States. Across state and federal courts over ninety per cent (90%) of the cases are completed by plea bargaining. In some states less than five per cent (5%) of the criminal cases are actually tried. So, plea bargaining cases must be distinguished from what presently occurs. In most cases where the accused without any prompting from the prosecution pleads guilty and expects to benefit by up to fifty percent (50%) of the normal sentence as provided for in the **Criminal Justice (Administration) (Amendment) Act** that is what generally occurs. In these matters the prosecution rarely have an opportunity to provide the arguments in support of the final sentence which is one of the reasons why the Ministry has now provided the opportunity for the prosecution to appeal sentences which are considered too lenient.

I have met with the Director of Public Prosecutions (DPP) and her staff to urge them and the prosecutors in the Parish Courts, that when cases are ready for trial, to discuss with the defence the opportunity to use plea bargaining to complete the cases.

Parish Courts

Madam Speaker, we have had significant successes within the Parish Courts. Close to ninety per cent (90%) of the cases are now being tried within twelve (12) months and there has been a noticeable reduction in the backlog of cases. We are now working with the Parish Court Judges and other stakeholders in the Parish Courts to further ease the burden on the trial process and have all matters completed in a timely manner. The Parish Courts like all courts, are being over burdened with the volume of cases. In the Parish Courts for the past five (5) years there was an average of **27,400** criminal cases, **23,000** civil cases and **21,000** cases in the Family Courts. We have not added the hundreds of thousands of cases in the Traffic Courts and other petty mention matters. The Ministry has embarked on a campaign to promote Alternative Dispute Resolution (ADR) which is an effective approach to reduce the number of cases that go to court and in appropriate cases those cases that go to court can still be referred to ADR.

ACCESS TO JUSTICE: TECHNOLOGY

Madam Speaker, as we promote Access to Justice for a Better Jamaica, it is important that all players within the justice system, use the technology necessary to propel us to first-world standards. This Ministry, **Madam Speaker**, understands that in some instances justice delayed is justice denied. To this end, we continue to make significant contributions and improvements to the operation of the Courts by investing in the tools and infrastructure that support the use of technology. Through these investments the Courts' capacity for virtual hearings for example has been strengthened. This is evidenced for example in the Supreme Court where only **12.5%** of civil hearings held in 2021 were conducted in-person. **64.2%** were done by videoconference and the remaining **23.4%** were done via teleconference.

In the last fiscal year, we handed over two mobile units to the Judiciary to allow for remote testimonies. These buses, valued at over **JM\$34 million**, have been fully equipped with audio-visual equipment and other state-of-the-art features. The equipment facilitates witness testimonies over a secured connection with compatible equipment installed in courtrooms across the island.



Handover of Mobile Units to the Judiciary

Minister of Justice, Hon. Delroy Chuck (left); Chief Justice, Hon. Mr Justice Bryan Sykes (second right), and Chief Parish Court Judge, His Hon. Mr Chester Crooks (right) look on as Permanent Secretary (Acting) in the Ministry of Justice, Mrs Grace Ann Stewart McFarlane, (second left) present the keys for two Mobile Justice Units to Director, Court Administration Division, Mrs Tricia Cameron- Anglin.



Inside one of two Remote Testimony Units handed over from the Ministry of Justice to the Court Administrative Division. Each unit is equipped with technology to facilitate remote testimonies.

The two mobile units are equipped with ramps, wheelchair lifts and space to facilitate a stretcher.

Additionally, improvements have been made to Court connectivity as the Ministry partnered with the National Works Agency to install fibre optic cables at court locations islandwide in an effort to strengthen the communication between the Courts. Fibre optic cables were installed at **eight (8)** courts in the corporate area which bolster the Courts' capability for sharing a high volume of information securely and provides leverage to other services over the connection. This partnership has been expanded to cover the Parish Courts across the island at a cost of **JM\$27 million**.

The improved internet service allowed the Judiciary to have stable internet connection to facilitate communication with adult and juvenile remand centres across the country. This allowed mention matters to be heard virtually, removing the need for persons to appear in person for these brief matters. It also allowed the Judiciary to facilitate litigants overseas having their matters heard during the travel restrictions necessitated as part of the pandemic response.

The Manchester Family Court was also provided with audio-visual equipment valued at approximately **JM\$11 million**. We also installed a range of security and safety technology to virtually facilitate vulnerable witnesses.

During the 2021/22 fiscal year the Court Administration Division also began the process of implementing the Government Financial Management Software (GFMS) as part of steps being taken to address financial risk areas in the Courts. The GFMS is a system geared towards the computerization of the accounting functions across the Courts. This was a critical area for the Judiciary to address due to instances of financial irregularities in the accounting in some of the Courts. The courts are responsible for the collection of significant sums of government revenue and the Judiciary has a duty to take deliberate steps to safeguard that stream of revenue.

Improving the technology which serves the sector, **Madam Speaker**, also included an upgrade and reconfiguring of the Legislative Production Management System (LPMS). That platform allows external Ministries, Departments and Agencies (MDAs) to submit their legislation electronically to the Office of the Parliamentary Counsel (OPC) and will improve the efficiency of the Legislative programme.

ACCESS TO JUSTICE: INFRASTRUCTURE

Madam Speaker, the effort to expand the technology available to the sector has in part been hampered by the state of the justice sector's physical plant which has long been a sore point. The Ministry of Justice spent in excess of **JM\$720 million** between April 2021 and March 2022. These funds were expended to construct, rehabilitate, maintain and repair justice facilities across the island to ensure that they are safer and more comfortable.

Madam Speaker, this included capital investments made towards the establishment of Family Courts in Manchester and St Ann. The Manchester Family Court was operationalized in January 2022, following the retrofitting of approximately 6,000 sq. ft. space which features: a child-friendly waiting area; state-of-the-art information and technology systems; new furniture, fixtures and equipment; and counselling and administrative spaces.

Renovation work to establish the St Ann Family Court is also practically complete and efforts are being made to install all the necessary information and communication technologies for the opening of the Court.

We are especially proud of the addition of these two Family Courts which will strengthen our services to families as we work towards increasing **Access to Justice for a better Jamaica**.



Manchester Family Court

The former Manchester Parish Court was renovated and operationalized as the Manchester Family Court in January 2022.



The newly renovated courtroom at the Manchester Family Court has audiovisual equipment to facilitate virtual court proceedings.

Additionally, **Madam Speaker**, we are working to improve the offices occupied by staff in the Prosecutorial services. To this end, major renovation work is being carried out at the Office of the Director of Public Prosecutions (Public Building West) and is estimated at **95%** completion. During the year, the project investment increased from **\$626 million** to approximately **\$830 million** due mainly to a re-scoping of the mechanical and electrical requirements for Public Building West. This re-scoping involved upgrading of the electrical, air conditioning and fire suppression systems. Other costs were related to the need for a new generator and transformer, which has arisen from the increased electrical load for both the Court of Appeal Building and the ODPP. We anticipate that the project will be closed out, following the commissioning of the new generator which has been delayed.

In addition to the renovation work at the ODPP, the Ministry's capital projects also included the enhancement of the physical infrastructure of court facilities islandwide. Major renovation and retrofitting work at the Clarendon Parish Court commenced in December 2021. The investment, which is valued at approximately **JM\$120 million** includes the construction of additional public bathrooms; retiling of the walkways and corridors; installation of additional water storage capacity, air conditioning units, an elevator to support improved access by physically challenged persons among other infrastructure.

Madam Speaker, refurbishing, roof repair and remedial works were also undertaken at 12 courthouses islandwide. Air conditioning units were also installed and repaired at **seven (7)** Parish Courts to include Portland, St Thomas, St James, and Kingston and St Andrew. In addition, plumbing repairs were done at the Court of Appeal and the Criminal Division of the Kingston and St Andrew Parish Court.



Contract Signing Ceremony for the Clarendon Parish Court

Justice Minister, Hon. Delroy Chuck (seated second left); Acting Permanent Secretary in the Ministry of Justice (L), Mrs Grace Ann Stewart McFarlane; Managing Director- Geecho Consultants and Construction Limited, Mr George Henry (second right); Mrs Tricia Cameron-Anglin, Director, Court Administration Division (right) with Chief Justice, Hon. Mr Justice Bryan Sykes; and Member of Parliament for Central Clarendon, Hon. Mike Henry, at the signing of the contract for the Clarendon Parish Court.

The Ministry is also actively undertaking renovation works at Addison Park to relocate the St Ann Parish Court (Brown's Town), after the Court was gutted by fire earlier this year. The temporary Court facility is to be completed within this quarter, in an effort to provide an interim court space from which the Brown's Town Court can fully operate.

The Ministry also advanced capital projects related to the construction of three (3) fit-for-purpose buildings to house Justice Centres in Clarendon (May Pen), Hanover (Sandy Bay) and St Catherine (Spanish Town). The Ministry now has the required Architectural Designs and Bill of Quantities to advance the procurement of these works, the concepts for which are being reviewed for adoption in the Public Sector Investment Programme (PSIP).

During the year, two Restorative Justice Centres were established in Greenwich Town and Pembroke Hall, respectively. Repair works were also carried out at several justice service facilities islandwide to further advance the thrust to expand the use of Alternative Dispute Resolution.

ACCESS TO JUSTICE: JUSTICE SERVICES

Madam Speaker, Members of this Honourable House will be aware, that I recently launched a public education campaign to take Justice to the people of Jamaica. I intend to visit each parish to appeal to and to encourage citizens to utilize the services of the Ministry of Justice to settle their differences and to have justice done in every nook and cranny of our island.

Members should also be aware that there are Justice Centres in each parish. In addition, there are nine Restorative Justice Centres, a number of Victim Services Division Offices, Child Diversion Offices. We have also partnered with the Dispute Resolution Foundation (DRF), to deliver free mediation services. Further in my presentation, I will share more about this partnership.

These facilities and services are available, however, they are not fully utilized hence the campaign being undertaken by the Ministry is to urge citizens to access these services before their disagreements and disputes deteriorate into criminal acts. As a people, many of us have not yet learnt to settle our disagreements without resorting to abuses, fights, physical attacks and sadly shootings and killings.



Tour of Westmoreland

Minister of Justice, Hon. Delroy Chuck is flanked by students of the Mannings School in Westmoreland after his recent presentation on Alternative Dispute Resolution services.

Many serious crimes emerge from simple disputes and disagreements which could have been easily cleared up if the parties were referred to a Restorative Justice facilitator, a mediator or a counsellor to assist them in reaching an amicable settlement.

Madam Speaker, the Ministry is therefore determined to urge students, parents, families, neighbours and residents in our schools, communities, churches and other institutions to avoid criminal actions and to settle their matters utilising our services, which in most instances are being offered for free. Our crime and murder rate will not be reduced significantly, unless our citizens can find lawful legitimate and appropriate means to diffuse disagreements and conflicts. This is where the Ministry of Justice's Alternative Dispute Resolution measures have been responding.



Launch of ADR Public Education Campaign

(L-R) Director of Operations- Dispute Resolution Foundation, Mrs Cherrol Taylor; Child Diversion Programme Coordinator, Mrs Venisa Clarke-Lee; Restorative Justice Programme Coordinator, Ms Andriene Lindsay; Senior Director- Justice Policy and Analysis Development Branch, Ms Raine Oliphant; and Acting Executive Director, Victim Services Division, Ms Dionne-Dawn Binns after the recent launch of the Ministry's Alternative Dispute Resolution Public Education Campaign.

Restorative Justice

Madam Speaker, the practice of restorative justice is not new and has been very successful in many countries across the world. It was introduced in Jamaica in 2012 and has been promoted in a limited way since then and given some impetus in legislation since 2017. However, it is only in the past three or four years that the practice of restorative justice has started to gain momentum. For example, Restorative Justice has played an effective role in Criminal and Family Court matters.

Where the parties have been referred to Restorative Justice Facilitators the success rate is in excess of 90%. Admittedly, in criminal cases the matters referred are simple misdemeanours where the parties are well known to each other and RJ has been an important tool in successfully restoring their relationships. We expect that our Parish Court Judges will refer more cases to RJ.

Madam Speaker, to accelerate the uptake of and improve awareness, over the past year, our team at the Ministry of Justice has completed over 1,500 sensitization sessions, in the ongoing drive to heighten the public's knowledge of the RJ programme, with over 18,400 beneficiaries accessing the sessions.

The Ministry's mission is to get warring families and communities to utilise Restorative Justice. The emotional benefits have proven to be incalculable when parties in conflict are able to work out their differences. In many cases, the settlements bring hugs, relief and tears. I pause here to share the testimonial of a pastor's family that benefitted from the Programme.

During the past year the Ministry completed 2,769 such case conferences with 90% of the conferences resulting in agreement. With the completion of these near 2,800 cases, the RJ Programme has not only assisted the Court in its effort to clear case backlog, but also has addressed conflicts at the community level and treated with various cases, which if not addressed, may have escalated to more serious acts of crime. There is therefore great value in the Programme and we intend as we go across Jamaica to highlight the many benefits of Restorative Justice.

This is what we mean, **Madam Speaker**, by **Access to Justice for a Better Jamaica**.



The Pembroke Hall Restorative Justice Office was established in February 2022.



(L-R) Minister of Justice, Hon. Delroy Chuck; Member of Parliament for St Andrew North West, Hon. Nigel Clarke; Canadian High Commissioner, Her Excellency Emina Tudakovic; Restorative Justice Programme Coordinator, Ms Andrienne Lindsay; and Acting Permanent Secretary, Grace Ann Stewart McFarlane share a light moment at the opening of the Pembroke Hall Justice Centre.



Opening of the Greenwich Town Restorative Justice Centre



Each Restorative Justice facility has an area to facilitate conferences with parties in dispute.

Mediation

Madam Speaker, like RJ, mediation is a useful tool to settle disputes and conflicts but it is also underutilized, and therefore as indicated earlier the Ministry will also be promoting the use of mediation to help avoid litigation with the Ministry's campaign to have more matters in the Court referred to mediation. We have also gone a step further and have requested and received funds to promote mediation. The funds have been used to support a pilot project in collaboration with the Dispute Resolution Foundation. During the pilot, litigants who are unable to pay the mediators can still access mediation. Payment to the mediator will be made by the Ministry, through the application of a means test similar to that applied by Legal Aid services.

During the three months of this pilot which started in December 2021 and ended in March of this year, **145 cases** were referred. **67 per cent** of these were settled. Of the matters referred, another **14 per cent** were partially settled, meaning that a second mediation session will be scheduled to address the areas that the parties failed to agree to and only **19 per cent** of the referred matters failed to settle and were returned to the Court for trial.

Madam Speaker, from this sample of cases, it is clear that mediation can work, and we will be ramping up the promotion of mediation. Expanding access to mediation will also offer critical support to the Judiciary. If more than **50% of these cases are settled** the burden on the Court will be enormously reduced. As expressed earlier it is a 'win-win' situation, it is better to mediate rather than litigate. Trial brings relief to one side but pain and hurt to the other side.

The Ministry intends to go beyond Mediation in the Courts and to urge Parties and Attorneys to access the service of the DRF or their Mediators in the parishes, to mediate before they even file a court action. Parties in dispute can visit the Justice Centres or DRF or call **TOLL FREE 888 JUSTICE** that's **888 587-8423** to determine whether mediation is the most suitable option for their case, to solicit the assistance of our team to engage the other party and to get more information about what they can expect from the process.

This is what we mean, **Madam Speaker**, by **Access to Justice for a Better Jamaica**.

MINISTRY OF JUSTICE

HAVING A DISPUTE? MEDIATE

Before your case goes to **TRIAL**

Mediation can help YOU to:

- ✓ Resolve your matters quickly
- ✓ Actively engage in deciding the outcome of your case
- ✓ Save money. If you cannot afford to pay, the Ministry of Justice can help

MEDIATION IS A WIN-WIN SOLUTION!

For more information, contact:
Dispute Resolution Foundation

1A North Avenue, Kingston Gardens, Kingston 4
(876) 235-5673 876-960-6160 / 876-906-4435
876-906-0291
drf@drfja.org Website: www.drfja.org/

MINISTRY OF JUSTICE

MEDIATE BEFORE YOUR CASE GOES TO TRIAL

Some matters eligible for referral to mediation are:

- ✓ Personal Injury
- ✓ Assault
- ✓ Product and Professional Liability
- ✓ Unlawful Wounding
- ✓ Destruction/ Division of Property

MEDIATION IS A WIN-WIN SOLUTION!

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Child Diversion

Madam Speaker, not only are we targeting an attitude of reconciliation in the general populace, but there is also a programme specifically for our children. Members will recall that the Child Diversion Act was passed in 2018 and we began official implementation of the Child Diversion programme in March 2020. Despite the disruption from the pandemic, we are already seeing favourable results where children who have committed specified offences are being referred by the Courts or the police. For example, during the 2021/2022 financial year the Child Diversion Programme received **333** referrals. Of that number, (92%) or 305 intake assessments were completed. This resulted in individualised diversion treatment plans being created for **296** or **89%** of the children with intake assessments completed. To support these children, we signed **25** partnership agreements for services such as counselling and psycho-educational assessments. This included the Memoranda of Understanding with the National Council on Drug Abuse and the Women's Centre of Jamaica, as addressing the needs of these children requires a multifaceted approach.

However, there is much more that we can do and we want to widen the referral system, so that families, schools and communities can refer children at risk of committing an offence. At present, The Act provides that those suspected, those charged and those convicted of committing an offence can be offered mentorship and counselling. These are services that Child Diversion Officers presently offer to those who are referred by the Courts and the Police. By this approach we can help those youngsters to avoid delinquent and criminal behaviour.

As can be seen **Madam Speaker**, **improving access to justice** also includes those most vulnerable of our society. I will be promoting the programme in each parish, and the Child Diversion officers who are stationed in each parish will go into communities to sensitise residents of these services, enabling greater access to these beneficial alternative dispute resolution services (ADR).

This is what we mean, **Madam Speaker**, by **Access to Justice for a Better Jamaica**.



Minister of Justice, Hon. Delroy Chuck and Child Diversion Programme Coordinator, Mrs Venisa Clarke-Lee (left) share a light moment with Ms Linnette Richards and her son who is a beneficiary of the Child Diversion Programme.

Victim Services

Madam Speaker, the impact of crime is often severe and devastating for victims, and so the Ministry of Justice continues to encourage them to seek counselling at a parish Victim Services office, where a Counsellor can assist them in processing their hurt and anger. These victims are encouraged to avoid the route of retaliation and reprisal, which so often are the emotional responses of victims of crime.

Madam Speaker, the importance of the work of the Victim Services Division must be emphasized, as at a time when Jamaica is increasingly seeing disturbing acts of violence, the Division is delivering critical support to those who are most affected.

During 2021-22 the Division conducted **13,179** counselling sessions, provided counselling and emotional support services to **5,394** new clients and **7,360** follow-up clients. This is an average of **1,098** counselling sessions per month.

This includes critical support for children who require therapeutic intervention and **2,298** children were provided with trauma and grief therapy individually by victim services during the course of the last fiscal year.

This is what we mean, **Madam Speaker**, by **Access to Justice for a Better Jamaica**.

We have not stopped there. The Victim Services Division has been creative in developing an arsenal of tools to address the sometimes-complex needs of those it serves. They have included resources like an animation bundle to assist in helping our children understand some of the most sensitive issues affecting them. The animation bundle comprises of eight short films, that provide critical lessons to help children cope with violence and life-changing trauma.



(L-R) Minister of Justice, the Hon. Delroy Chuck, Acting Permanent Secretary, Mrs Grace Ann Stewart McFarlane and Former Director of the Victim Services Division, Rev. Osbourne Bailey, pose with a character of the VSD's animations 'Justy' after the launch of the animation series in 2021.

Another innovation introduced by the Division during the onset of the pandemic, is its e-counselling service which facilitates the use of audio-visual communication such as video conferencing and virtual meeting rooms, to offer real time therapy and consultations. During the last financial year, the Division added **35** new E-Counselling stations to strengthen that initiative and was able to conduct **9,786** e-counselling sessions through that medium. This facility is an important way of serving the members of our communities but we also rely on Justices of the Peace who are Community Leaders.

Justices of the Peace

Madam Speaker, Justices of the Peace (JPs) continue to provide important services. They are an important component of the Ministry's drive to **improve access to justice**, as for many persons, they are often the first point of contact for the sector. Throughout the year, we continued to offer virtual sensitisation sessions to JPs to increase their capacity and to help them to refresh knowledge acquired from training at the Justice Training Institute. Just over **3,103** JPs benefitted from these sessions which focused on a variety of topics including the JP Act, alternative justice services among others.

Madam Speaker, because of the JPs' role as leaders in their communities, we have also made a significant effort to encourage more persons to volunteer as JPs with a view to increase the number serving islandwide and approximately **2113** applicants were recommended last year for appointment.



Newly commissioned Justices of the Peace for Manchester pose for a group photo after their installation ceremony in August 2021.

The Ministry has also acquired a multifactor authentication application to allow each Justice of the Peace to manage the password and email of their new Justice of the Peace email accounts as well as provide storage space to house the mailboxes for the approximately nine thousand (**9,000**) Justices of the Peace islandwide. This venture was completed at a cost of **JM\$5 million** and will assist the Ministry in its effort to strengthen the support to Justices of the Peace.

The MOJ team is continuing the distribution of new JP seals in keeping with the Justices of the Peace Act which expands the jurisdiction of JPs beyond parish boundaries allowing them to serve islandwide. To date we have presented new seals to JPs in Trelawny, St Ann, Portland, and St Mary and will continue this initiative in keeping with the drive to facilitate greater access to justice services.

Expungement

Madam Speaker, an important justice service which we have been delivering to Jamaicans is the expungement of certain criminal convictions for those who meet the qualifying requirements. Members will appreciate that the principle underlying the process is that a person who has made a sincere and successful attempt to be law abiding should be given the opportunity of a fresh start. We have been working to improve the efficiency of this process and during the last fiscal year **93 per cent** of applications for expungement were processed and submitted to the Criminal Records Office within **5 days** of receiving the application.

We are working assiduously with our partners at the Criminal Records Office to reduce the current backlog. We have succeeded in moving this figure from **2075** to **1002**. This is a more than **50 per cent** reduction for the period under review.

Minister's Marriage Licences

Madam Speaker, we are also working to improve the administrative process which supports the issuing of the Minister's marriage licence. During the period under review, we processed a total of **8630** applications, **3490** of these were applications submitted from hotels with the additional **5140** applications from walk in customers. **99 per cent** of the applications received from walk-in customers were processed within **24 hours**. This represents a **100 per cent** increase in the number of applications received from walk-in clients and hotels over the previous year. Through the assessed Stamp Duty, **Madam Speaker**, I am proud to report to the House that the Justice Ministry facilitated the collection of **\$34,520,000** (thirty-four million, five hundred and twenty thousand dollars).

Justice Training Institute

In order to fulfil our mission to improve **Access to Justice**, our staff and key stakeholders who interact with the sector must be adequately trained. The Justice Training Institute plays an important role in that process as they provide training for non-legal professionals in the sector including persons working in the Courts, the Justice Centres, those providing Alternate Dispute Resolution (ADR) services, as well as Lay Magistrates and Justices of the Peace (JP). **Madam Speaker**, the Institute has demonstrated agility in carrying out its functions including shifting to virtual delivery of its programmes during the pandemic. During the 2021-22 financial year, **1334** Justices of the Peace were trained including those newly qualified to serve. The MOJ is moving to strengthen the JTI as we seek to provide even greater access to their services.

ACCESS TO JUSTICE: AGENCY REPORTS

The Administrator-General's Department (AGD)

Madam Speaker, the Administrator-General's Department (AGD) continues to advance its vision to protect the interests of minors, beneficiaries and creditors of the estates through the efficient and effective administration and management of assets of those who died intestate, that is, without leaving a will.

During the 2021/2022 period, the AGD transferred assets to beneficiaries and closed **425** estates.

Over the last 10 years, the Department closed a total of **5,600** cases while a total of **3,470** new cases were taken on. This resulted in a net reduction of **2,130** cases. Over **4,000** backlog estates were included in the closures. Over the past two years the Department has trained and developed a team of specialist Attorneys-at-Law who are assigned to a designated unit task with the responsibility of administering backlog estates.

There are currently **5,200** cases in administration of which **3,000** have no minor beneficiaries. We project to close these cases within the next three to five years.

Madam Speaker, in an effort to improve service delivery, since 2015, the Department has been issuing its own instruments of Administration. Within the past six years, we have issued **1,550** instruments at a yearly average of **260** and in an average time of three months. This has allowed the Department to promptly execute its responsibilities which include maintenance of minor beneficiaries, where funds are available.

The AGD also continues to modernise its operations. Last year when I made my presentation to this Honourable House, the Department's Trust and Estate Management Systems (TEMS) helped to digitise **90 per cent** of the manual files and records; this year **99 per cent** of the estate files are fully scanned and now accessible to multiple users, facilitating remote and real-time access. Also, **90 per cent** estate accounts are now fully automated, allowing for real-time statement of accounts. This is **up from 75 per cent** during the previous period. The Ministry fully appreciates and takes seriously the significant risk and the need for data protection and security. I therefore assure all Jamaicans that the Department is continuing to build out its data security mechanism to ensure long-term continuity within this environment.

Legal Aid Council

Madam Speaker, **Access to Justice**, also means that our services are available to those who may have run afoul of the law. Members would be aware that the Legal Aid Council is mandated to provide and administer legal aid. In carrying out its functions it reinforces the citizens' right to equality before the law, right to counsel and the right to a fair trial. It contributes to an



improvement in the public's access to legal services through the provision of duty counsel, Court appearances and more recently through mobile justice services. There are 860 Attorneys empanelled islandwide.

Madam Speaker, I am pleased to report that over the past year, the Council facilitated a total of 4,753 legal aid assignments. Of that number 2,282 were duty counsel assignments and 2,471 matters were disposed of. Additionally, the Council continues to serve the most vulnerable and 33 persons who are deemed mentally challenged were assigned attorneys.

Office of the Director of Public Prosecutions

Madam Speaker, the Office of the Director of Public Prosecutions (ODPP) also plays an important role in the justice system and it has increasingly come under pressure due to the volume of cases to be prosecuted based on continued increase in criminal activities across the island. For example, the Chief Justice's Annual Statistical Report for the Parish Courts reflects **31,015** new criminal cases filed in 2021, a marked increase of **46.53%** above the **21,166** recorded in 2020.

Along with increase in the volume of cases due to the pandemic, during the 2021-2022 fiscal year only judge-alone trials were conducted. In the majority of jury cases, Defence Counsel elected to await the return of jury trials before disposals unless they are pleading guilty or no evidence is offered by the Crown.

Despite the obvious challenge that this presented for the Office, the ODPP managed to dispose of **672** cases in the **Rural Circuit Courts**. This is **68** more than the **604** cases projected for disposal in the period. **242** cases were disposed of in the **Western Regional Gun Court** which put them ahead of the **224** cases projected for disposal in that Court. In addition, a total of **145** cases were disposed of in the **Rural Circuit Gun Courts** as against the projection of **148** cases for the period. In the Home Circuit Court **177** of the projected **282** cases were disposed of.

Attorney General's Chambers

Madam Speaker, I will highlight a few aspects of the legal work of the Attorney General's Chambers (AGC) and also progress in respect to the centralization of legal services.

Members will recall that the move towards centralisation of legal services follows a Cabinet Decision in 2017 giving approval for legal services to the Government of Jamaica to be centralised under a strengthened and restructured AGC. At the time the central concern was determination that the AGC workload was not sustainable and current business processes would need to be reengineered for greater efficiency. There were concerns relating to the reputational risk to the AGC as only most urgent files were being addressed within the context of ever-increasing backlog.

I am happy to report that the process of centralisation is progressing with the Chambers actively undertaking the recruitment of staff with the focus to fill new and some existing positions especially in the Legal Services Units (LSUs). This will allow for the phased onboarding of all staff in the LSUs to the Chambers in the coming months.

The Chambers also advanced a number of legal matters most notable of which is support to the Ministry of Finance and the Public Service in respect to the COVID-19 response bundle. It also advanced the Motor Vehicle accident project dealing with accidents involving motor vehicles owned and driven by civil servants and or

agents of Government Ministries, Departments and Agencies (MDAs) - resulting in the recovery of more than **\$14 million from insurers** and also provided support towards the development of various pieces of legislation.

Madam Speaker, I now turn to the way forward as we strive to make further inroads on my promise to the Jamaican people of **Access to Justice for a Better Jamaica**.

ACCESS TO JUSTICE: PROJECTIONS AND ACTIVITIES 2022-23

As we shift our focus to activities planned for the 2022/23 period, the Justice Ministry, its Departments and Agencies will continue its focus on key areas as follows:

Infrastructure

In the new fiscal year, the Ministry will continue to prioritize the construction, upgrading and enhancement of the infrastructure for the Courts and other justice facilities. This will include, inter alia:

- Significant pre-investment activities towards the construction of judicial complexes in Manchester, St Ann and St Catherine through public private partnership. This will include the procurement of consultancy services for the design as well as transaction advisory services;
- Continued preparation of project plans for new capital projects for the St Thomas Parish Court Complex, Supreme Court, Hanover Parish Court, among others, to secure requisite approval under the Public Sector Investment Programme;
- Establishment of at least four additional Restorative Justice Centres;
- Commencement of construction for a new **St Andrew Justice Centre**;
- Commencement of construction of the new buildings for the Clarendon and Hanover Justice Centres, subject to project approval and funding;
- Relocation of the Portland Victim Services Division Office into newly refurbished space;
- Completion of renovation and refurbishing works at the Clarendon Parish Court (May Pen);
- Completion of minor works at the Manchester Parish Court (Cottage) and other court facilities; and
- Operationalizing of the St Ann Family Court to allow for further improvements in the delivery of Family Court services in the parish.

Restorative Justice

The Restorative Justice Programme is steadily gaining momentum. It is therefore our intention to support the programme's growth in the new Fiscal Year.

We will be aiming for an increase in both the number of sensitization sessions conducted, as well as the number of citizens who are educated on Restorative Justice.

For this year the RJ Unit is aiming to host **1260** sensitization sessions, and facilitate **2400** case conferences.

Child Diversion

In the 2022/ 2023 financial year we plan to increase our presence across the island with the continuation of the ADR Public Education Campaign. Our plans include:

- Increasing staff complement for the Child Diversion Programme.
- Training additional mentors.
- Increasing family counselling sessions and psycho-educational assessments for children.
- Exploring entities across the island to engage children in Community Service.
- Preparing for a follow-up study on children from the programme.
- Reviewing the Child Diversion Act.
- Seeking a partnership with a Government Skills Training agency.
- Conducting 28 empowerment sessions for children.

Victim Services

In the 2022/23 fiscal year, we intend to provide counselling and emotional support services to at least **5036** new clients; follow-up with **5000** existing clients, as well as conduct over **10,000** counselling sessions.

We also intend to implement an electronic data management system in order to strengthen the administration of the programme.

Administrator General's Department

During this fiscal year, the AGD intends to close a minimum of 600 cases, with specific focus on backlog cases.

CONCLUSION

The Ministry commits to its responsibilities to effectively carry out the mandate given by the Government to meet the objectives of modernizing the justice sector, the Sustainable Development Goals and Vision 2030.

The Ministry remains focused on Goal #2 as described in the National Development Plan Vision 2030, that is, to actively promote strategies to ensure a secure, cohesive and just society for all Jamaicans.

In particular, **Madam Speaker**, we are proud that the Ministry's programmes will continue to support the Government in its broader effort towards recovery from the pandemic and also advance the work being done to ensure that justice serves the people, as the success of our justice system, and indeed the rule of law, depend on public confidence and trust.

God bless you all.



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