

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS



ANNUAL REPORT

April 1, 2011 – March 31, 2012

MISSION STATEMENT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

To fulfill its Constitutional mandate by providing the people of Jamaica with an Independent, professional and effective prosecution service that operates with integrity, inspires public trust and confidence and safeguards the administration of justice throughout the island of Jamaica.

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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. Firstly, continuing to strive to present criminal cases before the Courts in a timely and efficient manner. Secondly, continuing 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, 2011 to March 31, 2012, 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, 2011 to March 31, 2012 were as follows:-

- To maintain staff level to at least 95% of the 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 the 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; and
- To implement the Performance Management Appraisal System (PMAS).

The last two (2) objectives were not achieved during the period under review. The implementation of the PAS was being spearheaded by the Management Information Services

(MIS) Department of the Ministry of Justice and so the ODPP therefore had to rely on them for the timetable for the implementation of PAS. PAS is an electronic system designed to automate and modernize the operations of the ODPP. The introduction of this system will give rise for the need to adjust some of the existing Job Descriptions.

The implementation of PMAS (the alternate evaluation system) was not implemented because the Evaluation process of the employees would have to be done on the requirement of the revised Job Descriptions.

Review of the Organizational Structure of the Office

The structure of the establishment has not changed significantly over the last five (5) years when approval was given by the Ministry of Finance for the employment of seven (7) additional Prosecutors to handle the increase in the criminal matters for prosecution. There was also the creation and approval for the addition of three (3) Paralegals and one (1) Records Clerk post to the establishment.

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 and prosecute some of the more complex matters in the Resident Magistrates' Courts.

It is imperative that priority attention be given to a review of the organizational structure of the ODPP. Members of staff are overwhelmed at times as they try to cope with the increase in the workload. The organizational structure of the Office should be reviewed as a matter of priority. Indeed the Ministry of Justice was notified in writing, at the start of 2012, of the need for such a review and for this to be treated as one of the matters for priority attention over the next three (3) to six (6) months of 2012.

The ODPP is now required to present digital evidence in the court room for some of its matters. The presenting of technical electronic evidence at some of the trials is time consuming. One member of staff who is technologically competent has been asked to do the demonstration in the Courts. This has been at the expense of the individual not performing his assigned duties. This has on occasions negatively impacted some of the administrative functions. As

part of the modernization of the Office, it is necessary to have an Information Technology person stationed at this Office. The request was made in the ODPP's 2010 – 2011 Annual Report and the request is again being made to facilitate operational efficiencies in the ODPP.

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, 2011 to March 31, 2012 a number of prosecutors attended and participated in symposia, conferences and workshops locally and overseas. The attendance at most of these were due to sponsorship from international agencies. These exposures were all part of the ODPP's commitment to improving the prosecutorial capabilities of members of staff.

Court Activities

Once again the overall performance of the activities of the various Courts did not meet the expectations of the ODPP. The ODPP wishes to state categorically 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, 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 witnesses at trials because of fear. Witness intimidation was 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 remained partially implemented during the period under review. The system is fully operational in the Home Circuit Court and in the St. Mary Circuit Court.

Nolle Prosequi

Under Section 94 (3) of the Constitution 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 **468** *nolle prosequis*.

Extradition Requests

Six (6) extradition requests were received. There was a **50%** increase in extradition request over the previous review period 2010 – 2011. There were **four (4)** extraditions and **two (2)** requests were still being processed.

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

The Department received **twenty (20)** requests. **Eight (8)** requests were completed, **eleven (11)** were still being processed at the end of the period under review and **one (1)** request was not being pursued.

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

Six (6) requests were made, **two (2)** requests were completed and **four (4)** requests were still being processed at the end of the period under review.

Circuit Court Cases Listed for Trial

980 cases were listed for the Rural Parish Circuits, **306** cases were disposed of, **589** cases were listed for the Home Circuit Court and **165** cases were disposed of. The low rate of disposal of the cases continued to be a cause for concern. A number of factors contributed 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

407 cases were listed for trial as compared to **637** during the previous review period 2010 – 2011. **221** cases were disposed of.

Regional Gun Court

405 cases were listed for trial, an increase of **66** cases during the period under review. **221** cases were disposed of.

Court of Appeal

190 cases were listed for hearing, a decrease of **30** cases over the previous review period. **117** cases were disposed of. **79** of these cases were appeals which were dismissed.

Files for Rulings

There was a significant decrease in the number of files received for ruling. The reduction is directly related to the processing of more of these files by INDECOM. **252** files were received as it relates to complaints by the public against the police. **357** files were ruled on.

SUMMARY

Facts

During the period under review, there was a decrease in the number of criminal matters listed for trial in the Rural Circuit Court, the Home Circuit Court, and the Rural Gun Court. There was a **19.47%** increase as it related to matters listed for trial in the Regional Gun Court.

As indicated earlier, the audit of active files resulted in a decrease in the number of files listed for trial during the period under review.

LOCATION	PERCENT
Rural Circuit	33.78 % decrease
Home Circuit	60.22% decrease
Rural Gun Court	36.10% decrease
Regional Gun Court	19.47% 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

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 Home Circuit Court was **28.01%**, well below **50%** that the Office was hoping to achieve. 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. These included:-

- Reluctant witnesses who were fearful of coming forward to give their evidence.

- The lack of sufficient jurors resulted in matters being adjourned; and in cases of multiple accused matters, insufficient jurors invariably lead to multiple adjournments.
- The frequent challenges faced in securing the presence of experts to give evidence on behalf of the prosecution, especially 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 complex matters when commenced consume the Court's time through weeks of trial and lead to the adjournment of other matters in that Court resulting in a number of cases 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 and the exorbitant cost to have these persons return to give evidence has forced the ODPP to rely 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

Continuation of the Extension of some Rural Circuit Courts

During the period under review, due to the voluminous number of cases listed for trial it was necessary to extend 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.

Retention of Experienced Prosecutors & Increase in Number of Prosecutors

It is imperative that the number of prosecutors in 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, especially for cases involving multiple accused persons.

Recommendation to Address the Problem of Insufficient Jurors

Change in the Selection of and Payment to Jurors

It is our recommendation that the Government needs to give serious consideration to reducing the number of persons who are exempt from performing jury duties. The Government needs to take the necessary steps to develop a listing of persons each with a TRN 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 the 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 whereby one becomes eligible for this payment should be reviewed with a view to making payment to

persons once they have attended 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 citizens of Jamaica need to be sensitized to their civic duty and responsibility as it relates to participating in the process of dispensing justice for their peers. The Government should seek to partner with; Non - Governmental Organizations (NGOs) such as Jamaicans For Justice; Justices of the Peace; and entities involved in restorative justice to facilitate the sensitization process.

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 the prosecution has to wait for inordinately long periods for these results, especially in instances where files are otherwise ready.

Recommendation to Address the Delay in Receipt of Forensic Documentation

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 and would certainly assist in reducing the case load to be dealt with by the laboratory.

CONCLUSION

Over the years, before and after being appointed as Director of Public Prosecutions (DPP), I have worked and continue to work tirelessly at 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 convince staff members of the ODPP that the Government 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 the following:-

- Priority attention to be given to an organizational review of the ODPP as soon as PAS is implemented, if not before.
- The expansion plans for the physical structure of ODPP to be accommodated in the 2013/2014 financial budget. Suitable accommodation for members of staff is a cause for concern as we are presently with 43 lawyers on staff at our maximum physical capacity. Though we have applications for employment to the ODPP we are unable to offer employment because of limited space. Bear in mind that it takes at least 2 ½ years of mentoring to develop the full capacity of a seasoned Crown Counsel.

Finally, I wish to formally thank all the stakeholders who have co-operated and supported the ODPP in any way 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 that collaboration during the 2012/2013 financial year.

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

THE ESTABLISHMENT

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

The Governor General appoints the Director.

Section 94 (2) states that:-

“A person shall not be qualified to hold or act in the Office of Director of Public Prosecutions unless he 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) of the Constitution of Jamaica 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) confer the prosecution of criminal matters solely to the discretion of the Director of Public Prosecutions.

THE FUNCTIONS

The Director of Public Prosecutions, under Section 94 (3) of the Constitution of Jamaica 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 criminal matters in all parishes in Jamaica.

THE OBJECTIVES

In keeping with the functions outlined above the Office of the Director of Public Prosecutions committed itself to achieving the following objectives for the period April 1, 2011 to March 31, 2012:

- 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 implement the Prosecuting Attorney System (PAS) thereby automating the prosecution process; and
- 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 increase the disposal rate of the cases which were listed for prosecution during the 2010 - 2012 period.

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 to 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; and
- 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 island wide, 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 provide advice on matters and to interface with police officers and other stakeholders to ensure that the delivery of justice in some of these areas do not fall below the standard that has been set by the ODPP.

The units are as follows:-

UNIT	FUNCTION
Extradition Unit	This 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).
Mutual Legal Assistance and Financial Crimes & Financial Services Commission Unit	This unit is 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).
Human Rights Intellectual Property and Sexual Offences Unit	This unit 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. The unit also prosecutes in these concerned areas. Represents the Office on the National Task Force for Trafficking in Persons.
Home Circuit Administrative Unit	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.

UNIT	FUNCTION
Privy Council Unit	This unit 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.
Corruption Prevention and Coroners Matters Unit	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 Magistrates' Court in the concerned areas. Vet and sign off on coroner rulings by Crown Counsel. Provide advice to Crown Counsel and members of the JCF in coroners' matters.
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 Magistrates' 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.

UNIT	FUNCTION
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 2011 to March 31st 2012 was **\$241, 001, 000 .00**. This was an increase of **\$30,002,000.00** over the financial year April 2010 – March 31, 2011. The actual expenditure for the period under review was **\$214,874,027.00**. As was the case in the previous year, the largest portion of the budget was spent on employees' compensation and related Travel and Subsistence expenses.

STAFF RELATED MATTERS

Staffing

The number 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.

Departures

The Department lost eight (8) members of staff during the period under review. Seven (7) members were from the legal staff. Two (2) staff members went to act as Resident Magistrate. Four (4) resigned from the Public Service to take up employment in private practice and one (1) took up an assignment overseas. One (1) member of the administrative staff resigned.

Additions

During the period under review, eight (8) Clerk of Courts took up assignments as Assistant Crown Counsel and to act as Crown Counsel at the ODPP.

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
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

POSITION TITLE	NO. OF POSTS
Office Attendant	1
Attendant	3
Casual (Full time)	1
Casual (Part time)	2

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:-

- The Organization of American States (OAS) through the Inter-American Committee against Terrorism (CICTE) hosted a workshop on “Hemispheric Cyber Security and Cyber Crime Workshop on Regional Coordination and Information Sharing”. The objective of the workshop was to bring together designate user of Hemispheric Network of National CSIRTs, Cyber Security and Cyber authorities to discuss ongoing initiatives.
- 1st Expert Group Meeting on the Development of a Digest of Transnational Organized Crime Cases held in Rome, Police Academy, via Pier della Francesca No. 3, Rome, Italy from May 23 – 26, 2011. Participants were from Kenya, Morocco, Nigeria, South Africa, Philippines, Albania, Hungary, Romania, Russian Federation, Serbia, Mexico, France, Italy, Spain, Switzerland, United Kingdom, Unites States of America, INTERPOL, European Commission, United Nations Office on Drugs and Crime (UNODC).
- INTERPOL’s Anti-Corruption Office and the Stolen Asset Recovery Initiative (StAR) in co-operation with the World Bank and the United Nations Office on Drugs and Crime (UNODC), the Second StAR INTERPOL Asset Recovery Focal Points Meeting. The

theme was “Enhancing Police Tools and Asset Recovery”. The meeting was held at the INTERPOL General Secretariat, in Lyon, France from July 11 – 13, 2011.

- The U.S. Department of State, Bureau of Diplomatic Security Office of Anti-Terrorism Assistance sponsored the Caribbean Basin Security Initiative Regional Conference on Cyber Investigations and Information Sharing in St. Johns, Antigua from September 13 – 15, 2011.

The objective of the Conference was to develop and improve regional policies, cyber legislation and law enforcement co-operation to prevent criminals, drug traffickers, gang members, terrorists and migration violators from transiting international borders establishing safe havens and operation in the Caribbean.

- The United Nations Office on Drugs and Crime (UNODC) in collaboration with the Inter-American Committee against Terrorism (OAS/SMS/CICTE) sponsored a “Regional Workshop on Cross Border Co-operation in Fighting Terrorism and its Financing”. The workshop was held October 11 – 13, 2011.
- Meeting of Experts on the Development of a Training Curriculum on Firearms at Vienna International Centre from October 18 – 21, 2011. Among the participants were persons from Argentina, Australia, Canada, Colombia, Kenya, Romania, Uruguay, United States of America, Mexico, Ethiopia, Senegal, European Union, INTERPOL, United Nations Office on Drugs and Crime (UNODC) and OSCE. The meeting was held from October 18 – 21, 2011.
- The Office was represented at the “Prosecuting Sexual Offences Expert Group” meeting held in Barbados from November 14 – 15, 2011.
- The Jamaica Constabulary Force held a training course on “Communications Forensics and Cybercrime” from November 21 – 25, 2011. The presenters were police officers from Torch Training based in the United Kingdom. Participants were apprised of “Best Practices to be Employed in Obtaining Communication Forensics for Evidential Purposes”.

- The Second meeting of Experts on “The Development of a Digest of International Organized Crime Cases” was held to commemorate the 10th Anniversary of the United Nations Convention on Transnational Organized Crime (“Palermo Convention”) from November 28 – December 2, 2011 at Colombia Training Centre of the Spanish Coop Agency, Santo Domingo, Cartagena. Participants were from Argentina, Colombia, Kenya, Mexico, United Kingdom, Switzerland, Italy, South Africa, France, Romania, Philippines, Spain and Jamaica.
- 7th Anti-Money Laundering and Combating the Financing of Terrorism Conference was held at the Hyatt Regency Hotel, Port of Spain, Trinidad from January 30 – 31, 2012. The theme was “Understanding the Evidential Burden: Successfully Prosecuting Money Laundering Cases”.
- The United Nations Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) conducted an Inter-Institutional Training Course at the Jamaica Police Staff College, Twickenham Park, Spanish Town from January 30 – February 10, 2012. The theme was “To Combat Illicit Firearms Trafficking”.
- Training course on “International Co-op in the Fight Against Drugs and Organized Crime” at the Knutsford Court Hotel, Kingston on February 14, 2011. The discussion centered on Money Laundering and the Financial Investigation of Cases.

***SUMMARY OF COURT ACTIVITIES FOR THE PERIOD
APRIL 1, 2011 – MARCH 31, 2012***

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, 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 **468 Nolle prosequis** were entered, broken down as follows:-

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

28 Unconditional *nolle prosequis*; **5** in the Resident Magistrates' Court , **7** in the Home Circuit Court, **15** in the Rural Circuit Court and **1** in the Family Court. (Those matters come to an absolute end).

94 *nolle prosequis* because of Complainant/Witness unavailability; **50** in the Home Circuit Court, **13** in the Resident Magistrates' Court, **1** Family in the Court, and **30** in the Rural Circuit Court. (In the event that the Witnesses are found or turn up at a later date those matters can be re-opened).

15 *nolle prosequi*; **2** relating to new Resident Magistrate and **13** 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 Appendix: Table 1 for details)**.

Extradition Requests Received

Six (6) extradition requests were received. This was a significant increase compared to **3** during the 2010/2011 review period. There were **four (4)** extraditions. **Two (2)** requests were still being processed. **Four (4)** requests were received from the United States of America and **one (1)** from the United Kingdom and **one (1)** from Cayman. **(See Appendix: Table 2 for more details)**.

Mutual Legal Assistance Requests

Twenty (20) requests were received during the period under review. **Eight (8)** requests were completed, **eleven (11)** were still being processed and **one (1)** was not being pursued. **Six (6)** of the requests were from the United Kingdom and **nine (9)** from the United States of America. **(See Appendix: Table 3 for details)**.

Jamaica Mutual Legal Assistance (JAMLA) Requests

Six (6) requests were made to the participating states. **Two (2)** were completed and four **(4)** requests were still being processed. **Four (4)** of the requests were made to the United States of America. **(See Appendix: 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

A total of 980 cases were listed. **526** or **53.67 %** of the cases were disposed of, and **454** or **46.33 %** of the cases were traversed to the next term. Murder cases accounted for **244** of the cases listed and sexual offences for **528** of the cases. Four (4) parishes accounted for the highest number of cases listed for trial; namely St. Catherine (**194**), St. Thomas (**132**), St. Ann (**127**) and Clarendon (**114**). (See Appendix: Tables 5, 5a, 5b & 5c for more details).

Home Circuit Court

589 cases were listed for trial. **165** or **28.01 %** of the cases were disposed of and **424** or **71.00 %** of the cases were traversed to the next term. Both Capital Murder and Non-Capital Murder accounted for **351** the highest number of cases. (See Appendix: Tables 6, 6a, 6b & 6c for details).

Gun Court Cases

Rural Gun Court

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

407 cases were listed for the period under review compared to **637** during the previous period. This was a decrease of **230** cases over the same period for the previous year. **221** or **54.30%** of the cases listed were disposed of. **186** cases or **45.70%** of the cases were traversed to the next term. (See Appendix: Tables 7, 7a & 7b).

Regional Gun Court

(St. James, Trelawny, Westmoreland and Hanover)

The total number of cases listed for trial was **405**, an increase of **66** cases over the 2010/2011 review period. **221** cases or **54.57%** of the cases listed were disposed of. **184** cases or **45.43%** of the cases were traversed to the next term. St. James with **200** cases

accounted for the majority of the cases listed for trial, followed by Westmoreland with **114**. **(See Appendix: Tables 8, 8a & 8b for details).**

Court of Appeal

There was a decrease in the number of cases listed. A total **190** cases were listed for hearing. **117** cases were disposed of. **79** of these cases were appeals which were dismissed. **(See Appendix: Table 9 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*. **55** files were received and **53** files were ruled on.

There was a significant decrease in the number of files received for rulings. The reduction is directly related to the processing of more files by INDECOM. **252** files were received from the various bodies for rulings in relation to police excesses in the performance of their duties; compared to **449** received during the 2010 – 2011 review period. **357**** rulings were made. Of the majority of complaints, **73** were received from the Bureau of Special Investigations, Other submitted **72** files and the Anti-Corruption Branch was next in line with **55**. **(See Appendix: Tables 10, 10a & 10b for more details).**

****** From time to time after examination of the files that are received for rulings, the Office 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.**

APPENDIX

TABLE 1: NOLLE PROSEQUI

April 1, 2011 – March 31, 2012

LOCATION	VOLUNTARY BILL	COMPLAINT/ WITNESS UNAVAILABILITY	NEW JUDGE/ RESIDENT MAGISTRATE	UNCONDITIONAL STRAIGHT NOLLE PROSEQUI	OTHER	TOTAL
Circuit Court	4	50	2	7	-	63
RM Court	88	13	2	5	1	109
Family Court	49	1	-	1	-	51
Rural Courts	189	30	11	15	-	245
TOTAL	330	94	15	28	1	468

TABLE 2: OVERVIEW OF EXTRADITION REQUESTS

April 1, 2011 – March 31, 2012

COUNTRY	# OF CASES	EXTRADITED	BEFORE THE COURT	WARRANT WITH POLICE	OTHER	TOTAL
Cayman	1	-	-	1	-	1
United States of America	4	3	-	1	-	4
United Kingdom	1	1	-	-	-	1
TOTAL	6	4	-	2	-	6

TABLE 3: OVERVIEW OF MUTUAL LEGAL ASISTANCE REQUESTS

April 1, 2011 – March 31, 2012

REQUESTING STATE	# OF FILES RECEIVED	REQUESTS BEING PROCESSED	REQUESTS COMPLETED	REQUEST NOT BEING PURSUED	REQUESTS ON HOLD
United Kingdom	6	4	1	1	-
Guyana	1	1	-	-	-
Egypt	1	-	1	-	-
United State of America	9	4	5	-	-
Netherlands	1	1	-	-	-
St. Lucia	1	-	1	-	-
Cayman	1	1	-	-	-
TOTAL	20	11	8	1	-

TABLE 4: OVERVIEW OF JAMAICA MUTUAL LEGAL ASSISTANCE (JAMLA) REQUESTS

April 1, 2011 – March 31, 2012

STATE	# OF REQUESTS	REQUESTS COMPLETED	REQUEST PENDING
United States of America	4	1	3
United Kingdom	2	1	1
TOTAL	6	2	4

TABLE 5 : OVERVIEW OF PARISH CIRCUIT COURT CASES

April 27, 2011 – April 15, 2012

PARISH	Total Cases Brought Forward	New Cases	Total Cases Listed	Total Cases Disposed of	Total Cases Traversed
Clarendon	35	79	114	51	63
St. Catherine	62	132	194	79	115
Hanover	7	20	27	14	13
Trelawny	19	21	40	24	16
St. Thomas	50	82	132	85	47
St. Ann	63	64	127	69	58
St. Mary	18	34	52	34	18
Portland	12	36	48	26	22
Westmoreland	22	26	48	29	19
St. Elizabeth	33	47	80	46	34
St. James	21	39	60	41	19
Manchester	26	32	58	28	30
TOTAL	368	612	980	526	454

TABLE 5a: PICTORIAL OVERVIEW OF PARISH CIRCUIT COURT CASES

April 27, 2011 – April 15, 2012

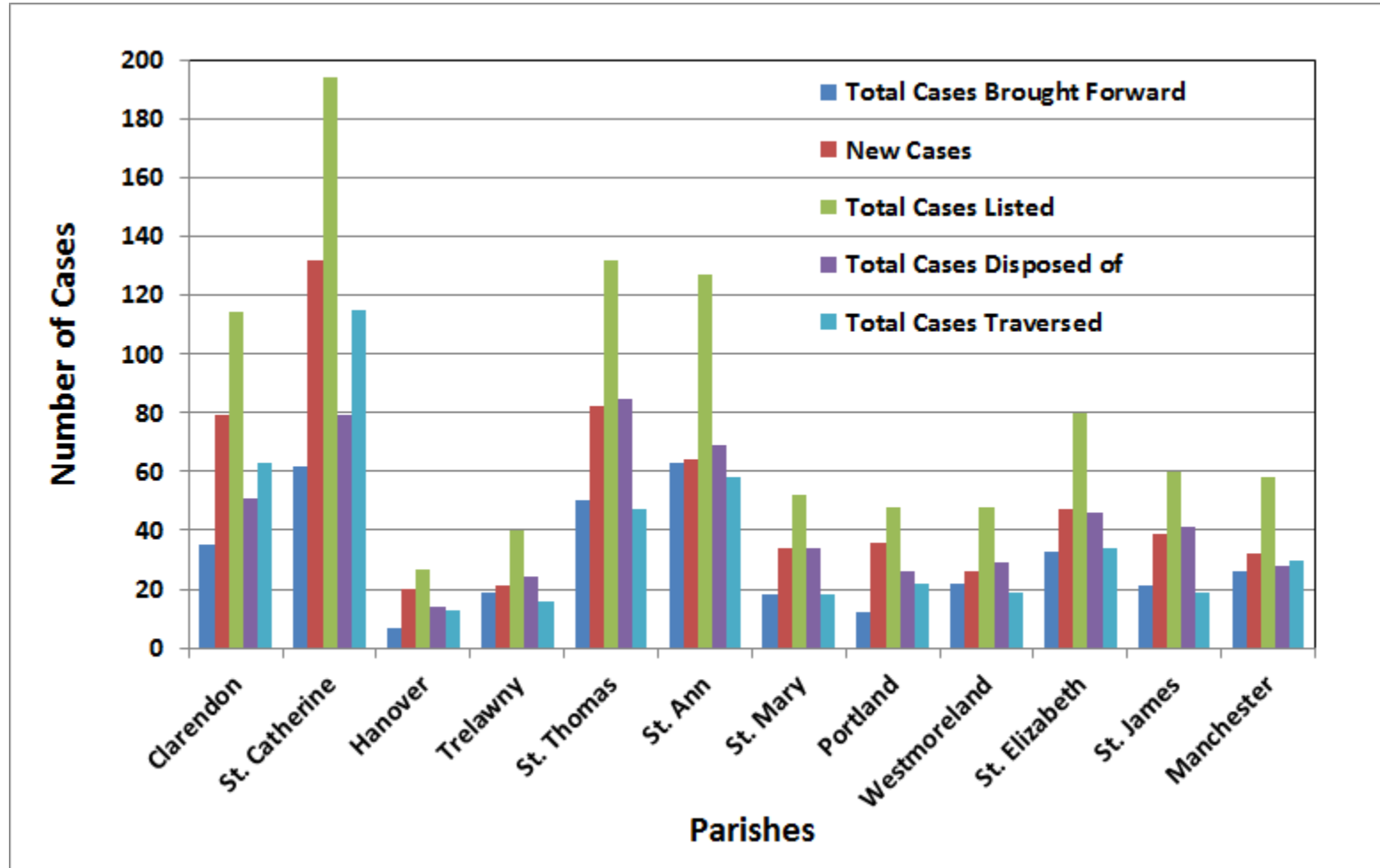


TABLE 5b: OVERVIEW OF BREAKDOWN OF PARISH CIRCUIT COURT CASES*April 27, 2011 – April 15, 2012*

Parishes	Total Cases Listed	Murder	Incest	Rape	Carnal Abuse	Wounding With Intent	Assault Occasion Grievous Bodily Harm	Man-Slaughter	Death by Dangerous Driving	Buggery	Other
Clarendon	114	54	1	15	22	12	1	1	1	4	3
St. Catherine	194	30	10	37	75	20	8	3	3	6	2
Hanover	27	7	1	8	1	5	1	-	-	1	3
Trelawny	40	8	2	5	14	6	2	-	1	1	1
St. Thomas	132	21	2	22	66	6	1	-	2	4	8
St. Ann	127	37	2	31	20	20	4	5	2	2	4
St. Mary	52	11	-	14	24	2	-	-	-	1	-
Portland	48	8	1	14	14	3	3	1	-	1	3
Westmoreland	48	12	2	6	11	11	1	1	3	1	-
St. Elizabeth	80	16	1	14	15	14	9	3	-	2	6
St. James	60	18	3	15	15	1	-	3	4	-	1
Manchester	58	22	22	4	17	8	1	5	-	-	-
TOTAL	980	244	26	185	294	108	31	22	16	23	31

TABLE 5c: PICTORIAL OVERVIEW OF THE BREAKDOWN OF PARISH CIRCUIT COURT CASES

April 27, 2011 – March 31, 2012

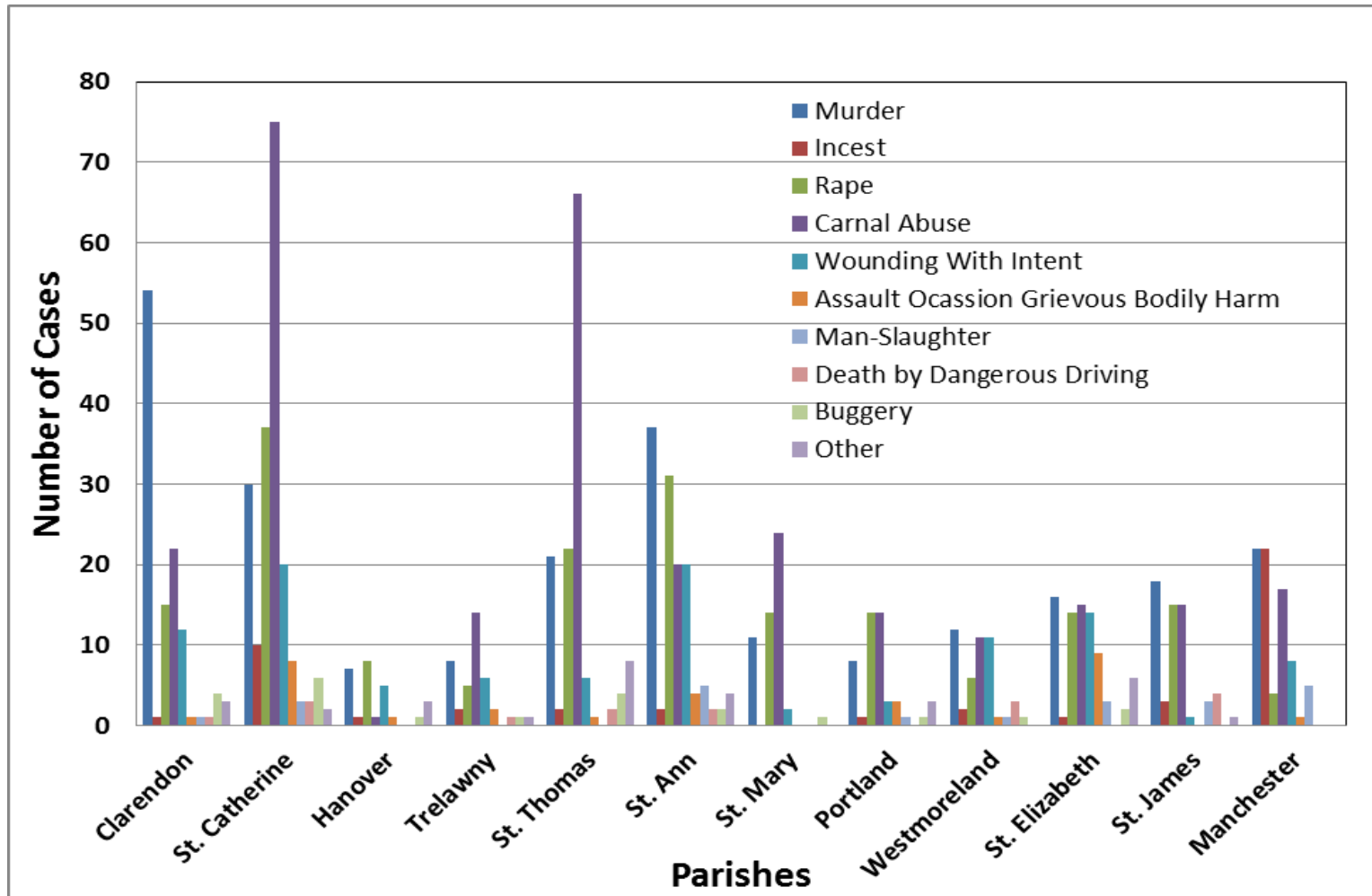


TABLE 6: OVERVIEW OF HOME CIRCUIT CASES

April 27, 2011 – March 31, 2012

Total Cases Listed	Capital Murder & Murder	Incest	Rape	Carnal Abuse	Wounding With Intent Assault	Causing Death by Dangerous Driving	Man-Slaughter	Human Trafficking	Other
Traversed (436)	301	1	29	43	11	2	6	2	41
New Cases (153)	50	-	35	25	19	-	4	-	20
TOTAL CASES LISTED (589)	351	1	64	68	30	2	10	2	61
%TAGE	59.59	0.17	10.87	11.54	5.09	0.34	1.70	0.34	10.36

TABLE 6a: PICTORIAL OVERVIEW OF HOME CIRCUIT COURT CASES

April 27, 2011 – March 31, 2012

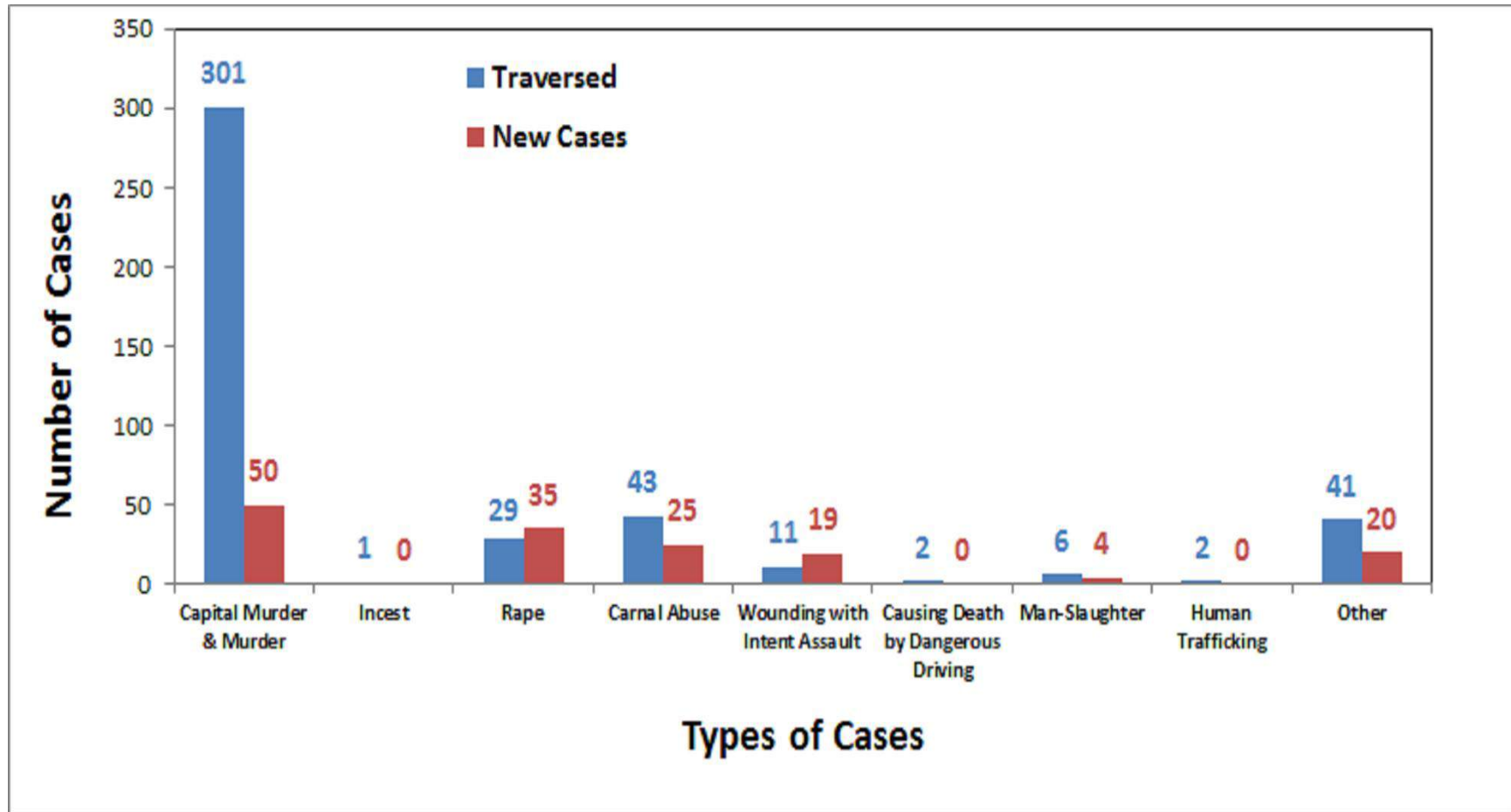


TABLE 6b: OVERVIEW OF HOME CIRCUIT DISPOSED OF CASES

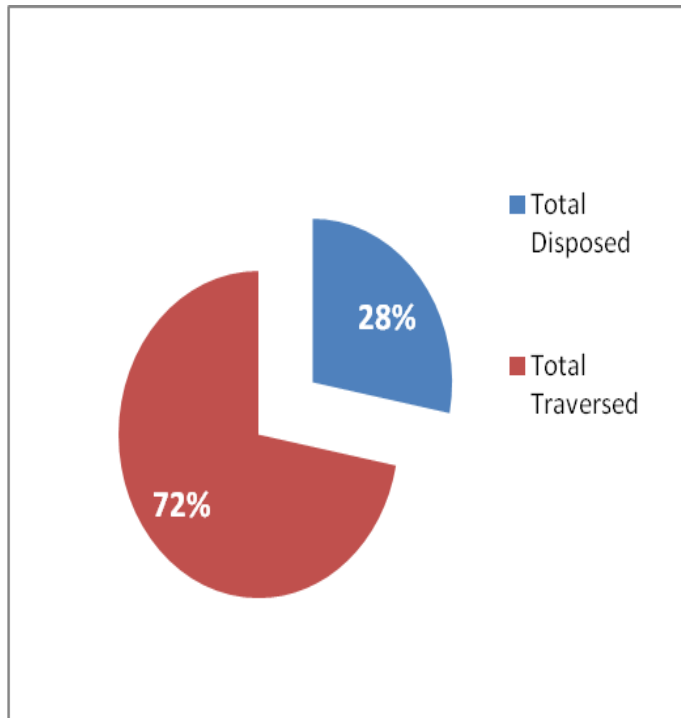
April 27, 2011 – April 15, 2012

TOTAL CASES LISTED	# CASES BROUGHT FORWARD	NEW CASES	# CASES DISPOSED OF	# OF CONVICTIONS	# OF ACQUITTALS	# OF NOLLE PROSEQUI	OTHER	# CASES TRAVERSED
589	436	153	165	72	46	13	34	424
% TAGE	74.02	25.98	28.01	43.63	27.88	7.88	20.61	71.99

TABLE 6c: PICTORIAL OVERVIEW OF HOME CIRCUIT DISPOSED OF CASES

April 27, 2011 – March 31, 2012

Matters Disposed and Traversed 2011/12



How Matters were Disposed 2011/12

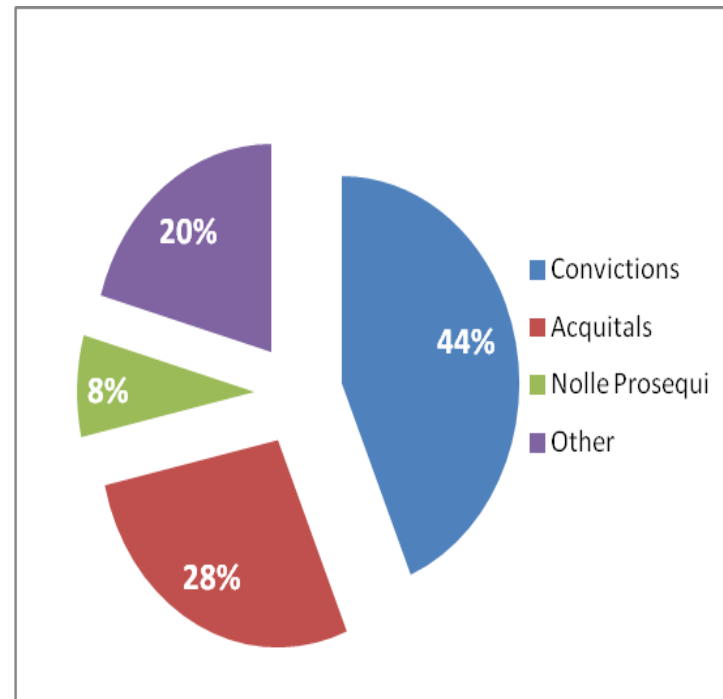


TABLE 7: OVERVIEW OF RURAL GUN COURT CASES

April 27, 2011 – March 31, 2012

PARISHES	CASES BROUGHT FORWARD	NEW CASES	TOTAL # CASES LISTED	TOTAL # CASES DISPOSED OF	TOTAL # CASES TRAVERSED
Clarendon	25	45	70	38	32
St. Mary	14	17	31	16	15
St. Elizabeth	31	41	72	48	24
Manchester	39	75	114	46	68
Portland	13	15	28	12	16
St. Thomas	4	0	4	1	3
St. Ann	33	55	88	60	28
TOTAL	159	248	407	221	186

TABLE 7a: PICTORIAL OVERVIEW OF LISTED RURAL GUN COURT CASES

April 27, 2011 – March 31, 2012

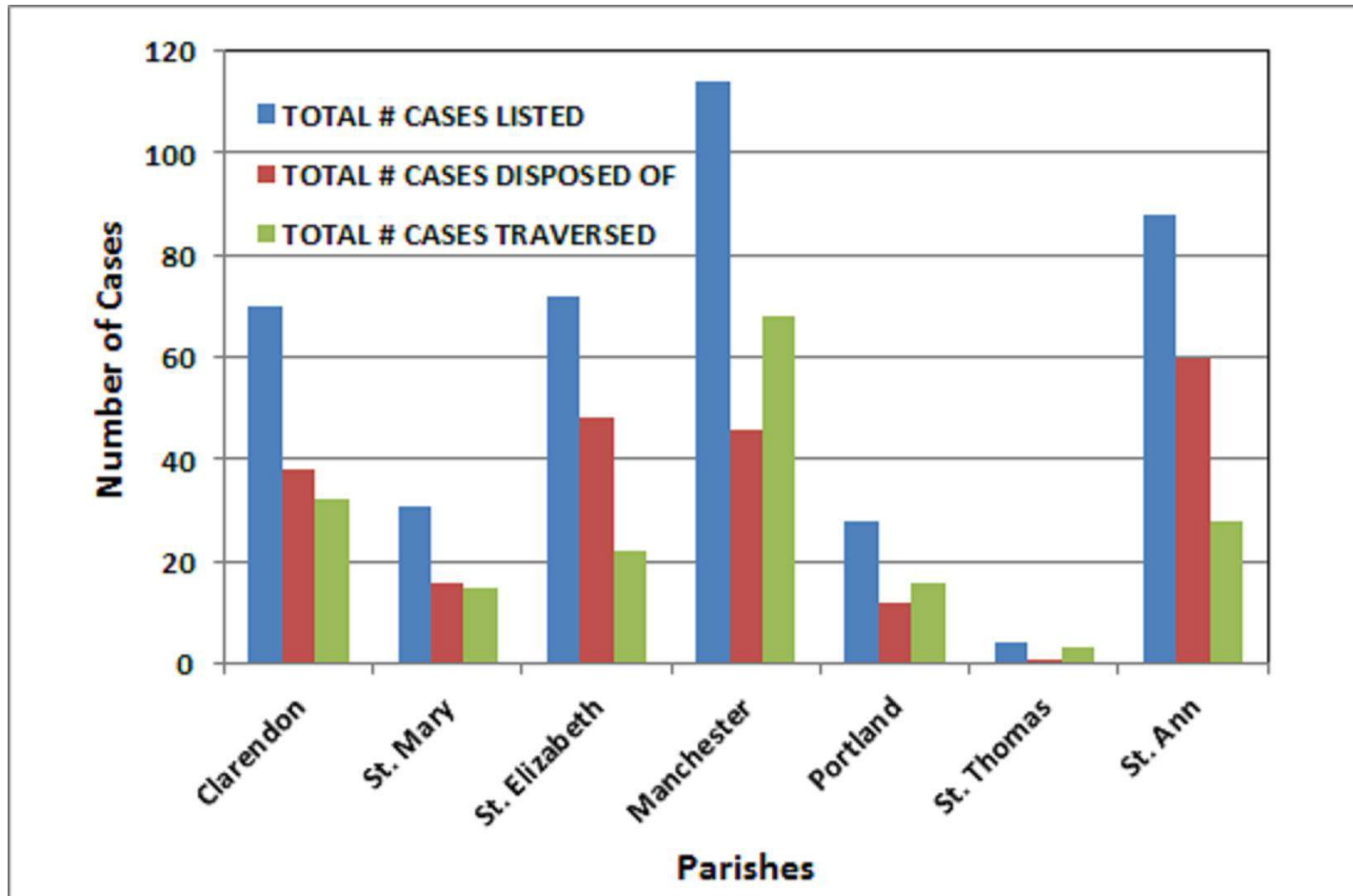


TABLE 7b: PICTORIAL SUMMARY OF DISPOSED OF RURAL GUN COURT CASES

April 27, 2011 – March 31, 2012

TOTAL # CASES LISTED	TOTAL # CASES DISPOSED OF	# OF CONVICTIONS	# OF ACQUITTALS	OTHER
407	221	61	146	14
%TAGE	54.30	27.60	66.06	6.34

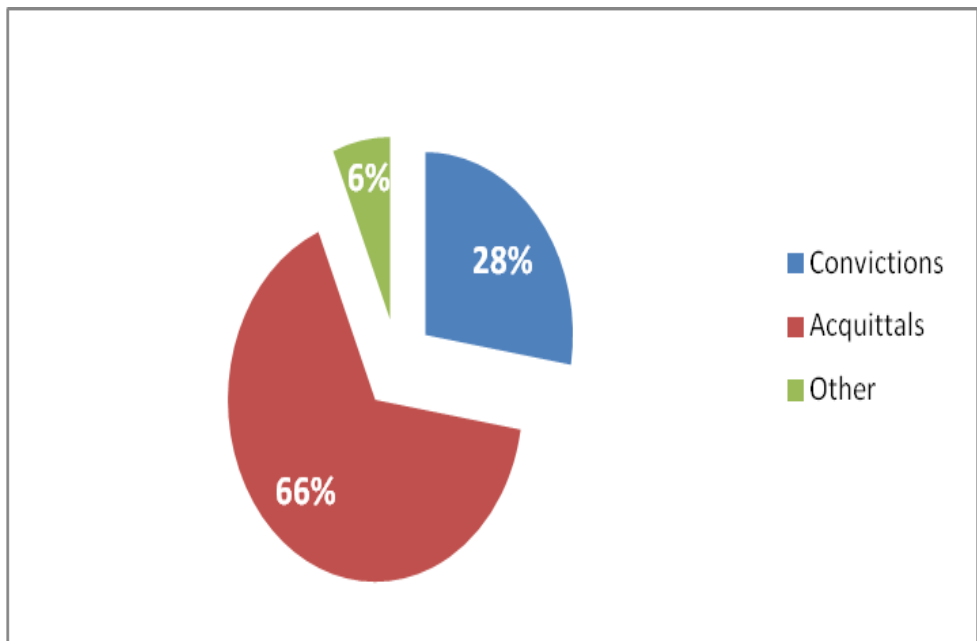


TABLE 8: OVERVIEW OF REGIONAL GUN COURT CASES

March 28, 2011 – March 30, 2012

PARISHES	CASES BROUGHT FORWARD	NEW CASES	TOTAL # CASES LISTED	TOTAL # CASES DISPOSED OF	TOTAL # CASES TRAVERSED
St. James	80	120	200	113	87
Trelawny	10	32	42	26	16
Westmoreland	39	75	114	53	61
Hanover	23	26	49	29	20
TOTAL	152	253	405	221	184

TABLE 8a: PICTORIAL OVERVIEW OF REGIONAL GUN COURT CASES

March 28, 2011 – March 31, 2012

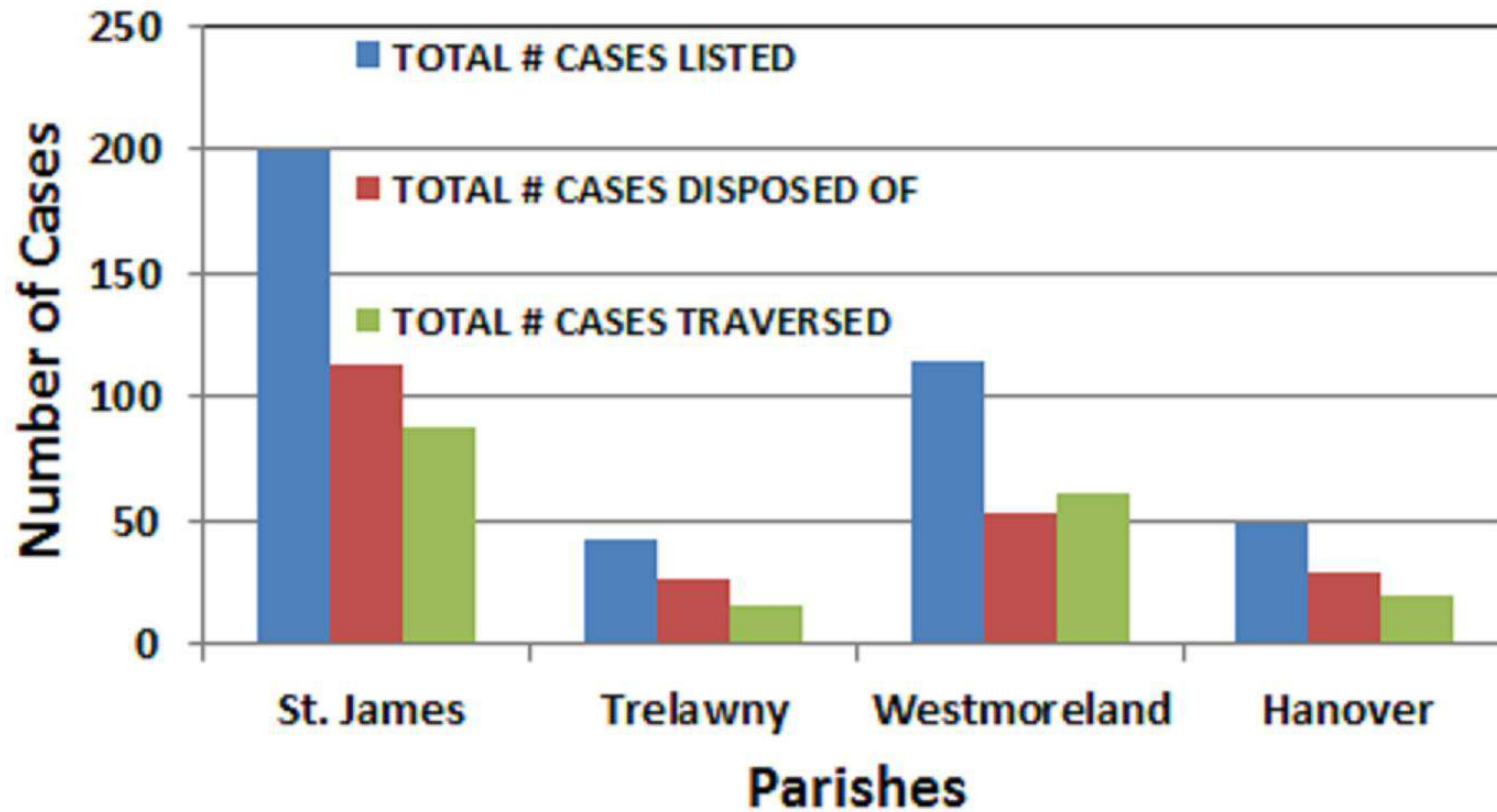


TABLE 8b: PICTORIAL SUMMARY OF DISPOSED OF REGIONAL GUN COURT CASES

March 28, 2011 – March 31, 2012

TOTAL # CASES LISTED	TOTAL # CASES DISPOSED OF	# OF CONVICTIONS	# OF ACQUITTALS	OTHER
405	221	62	134	25
%TAGE	54.57	28.06	60.63	11.31

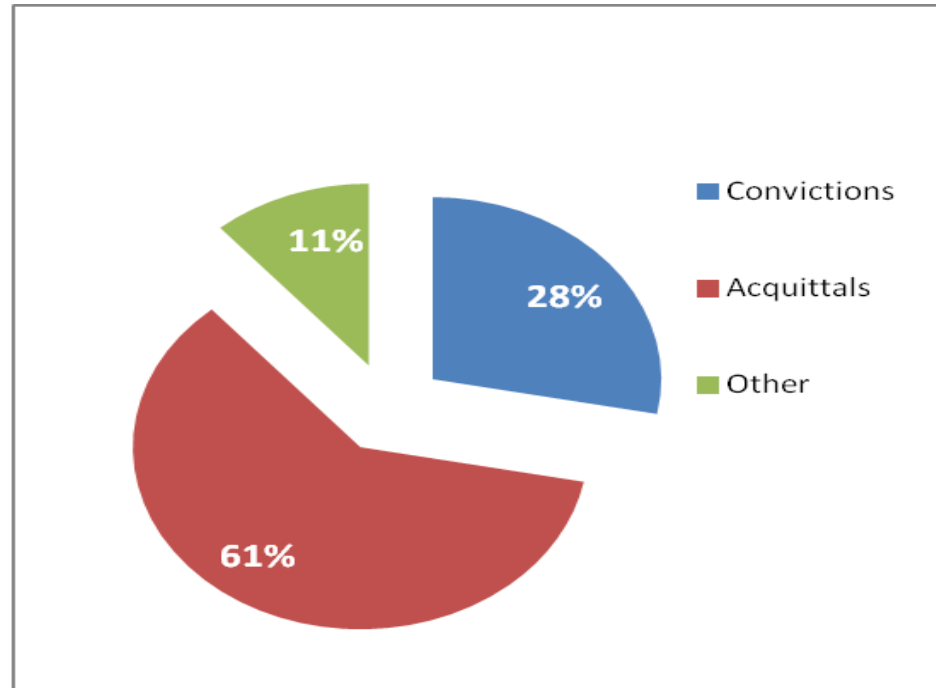


TABLE 9: OVERVIEW OF COURT OF APPEAL CASES

May 2, 2011 – March 31, 2012

APPEALS FROM	PENDING/ NEW CASES	CASES LISTED FOR HEARING	CASES DISPOSED OF	ALLOWED	DISMISSED	ACQUITTED	RESERVED	RETRIAL	TOTAL
Supreme Court	86	150	90	9	66	8	4	3	90
Resident Magistrates' Court	36	40	27	3	13	9	2	-	27
TOTAL	122	190	117	12	79	17	6	3	117
% TAGE			61.58	10.26	67.52	14.53	5.13	2.56	

TABLE 10: FILES FOR RULINGS

April 1, 2011 – March 31, 2012

INVESTIGATIVE BODY	COMPLAINTS RECEIVED	RULINGS
Bureau of Special Investigation	73	178
INDECOM	6	47
Anti Corruption Branch	55	53
Criminal Investigation Branch	22	13
Inspectorate of Constabulary	24	24
Other	72	42
TOTAL	252	357

***** From time to time after examination of the files that are received for rulings, the Office 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 10a: PICTORIAL OVERVIEW OF FILES FOR RULINGS

April 1, 2011 – March 31, 2012

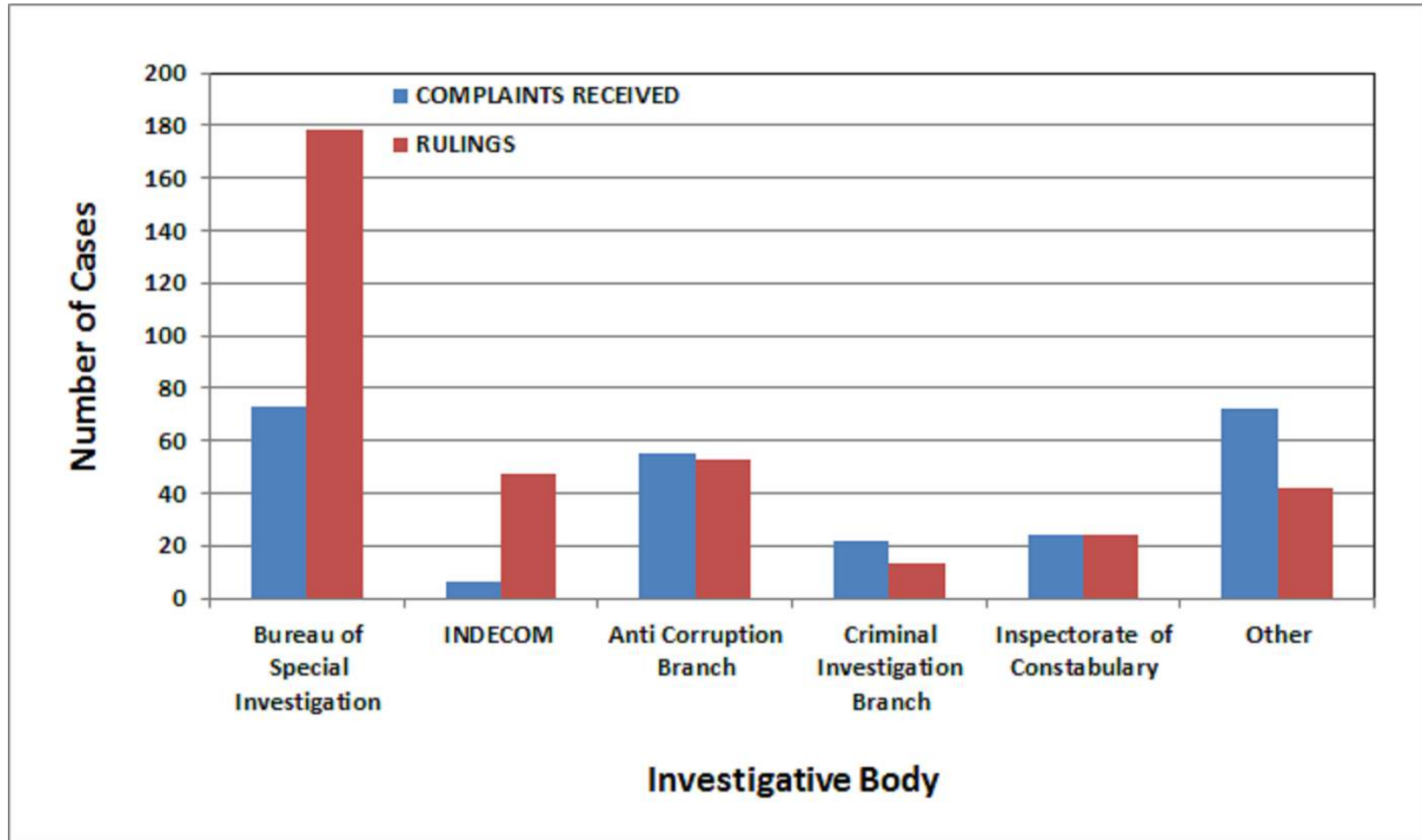
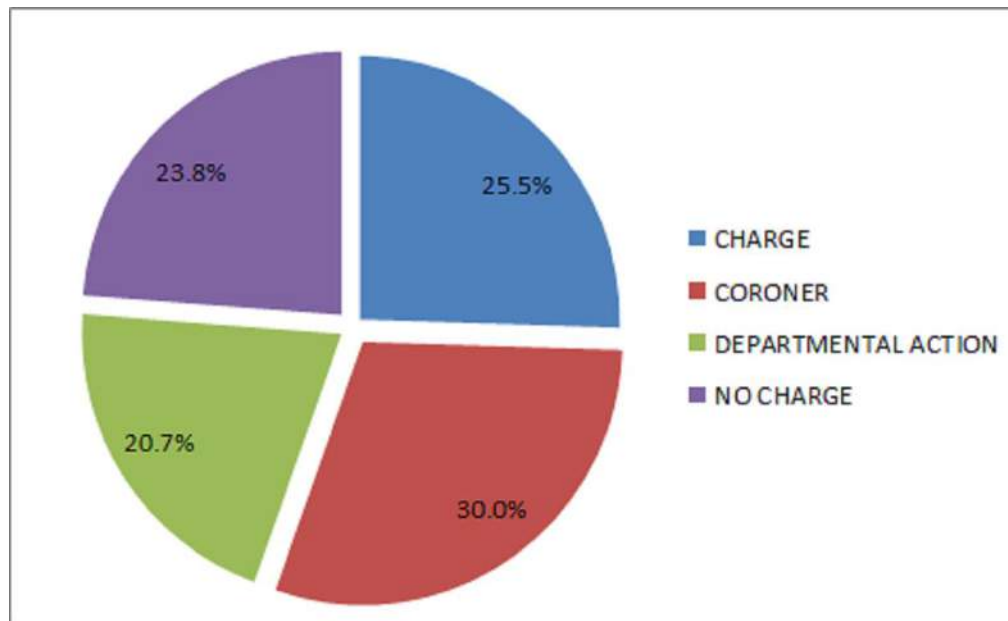


TABLE 10b: PICTORIAL OVERVIEW OF RULINGS

April 1, 2011 – March 31, 2012

TOTAL RULINGS	CHARGE	CORONER	DEPARTMENTAL ACTION	NO CHARGE
357	91	107	74	85
% TAGE	25.49	29.97	20.73	23.81



APPENDIX 1

SENIOR EXECUTIVE COMPENSATION

Office of the Director of Public Prosecutions

2011/12

Position of Senior Executive	No. of Officers	Salary (\$)	Gratuity or Performance Incentive (\$)	Travelling Allowance or Value of Assignment of Motor Vehicle (\$)	Pension or Other Retirement Benefits (\$)	Other Allowances (\$)	Non-Cash Benefits (\$)	Total (\$)
Director of Public Prosecutions Legal Officer 7 (LO7)	1	\$5,098,310.04	-	796,500.00	-	Laundry 32,820.00 Library 175,346.04 Robing 120,435.00	-	6,223,411.08
Senior Deputy Director, Public Prosecutions Legal Officer 6 (LO6)	1	\$4,176,444.00	-	796,500.00	-	Laundry 32,820.00 Library 175,346.04 Robing 120,435.00	-	5,301,545.04
Senior Deputy Director, Public Prosecutions	1	\$3,311,085.96	-	420,000.00	-	Laundry 32,820.00 Library 175,346.04	-	4,059,687.00

Legal Officer 6 (LO6)						Robing 120,435.00		
Deputy Director of Public Prosecutions Legal Officer 5 (LO5)	1	\$2,757,923.04	-	420,000.00	-	Laundry 32,820.00 Library 175,346.04 Robing 120,435.00	-	3,506,524.04
Deputy Director of Public Prosecutions Legal Officer 5 (LO5)	1	\$2,757,923.04		420,000.00	-	Laundry 32,820.00 Library 175,346.04 Robing 120,435.00	-	3,506,524.04
Deputy Director of Public Prosecutions Legal Officer 5 (LO5)	1	\$2,757,923.04		420,000.00	-	Laundry 32,620, Library 175,346, Robing 120,435	-	3,506,324.04
Deputy Director of Public Prosecutions Legal Officer 5 (LO5)	1	\$2,757,923.04		420,000.00	-	Laundry 32,620, Library 175,346, Robing 120,435	-	3,506,324.04
Total		23,617,532.16		3,693,000.00	-	2,299,807.20	-	29,610,339.36

Notes

- 1. Where contractual obligations and allowances are stated in a foreign currency, the sum in that stated currency must be clearly provided and not the Jamaican equivalent.**
- 2. Other Allowances (including laundry, entertainment, housing, utility, etc.)**
- 3. Where a non-cash benefit is received (e.g. government housing), the value of that benefit shall be quantified and stated in the appropriate column above.**