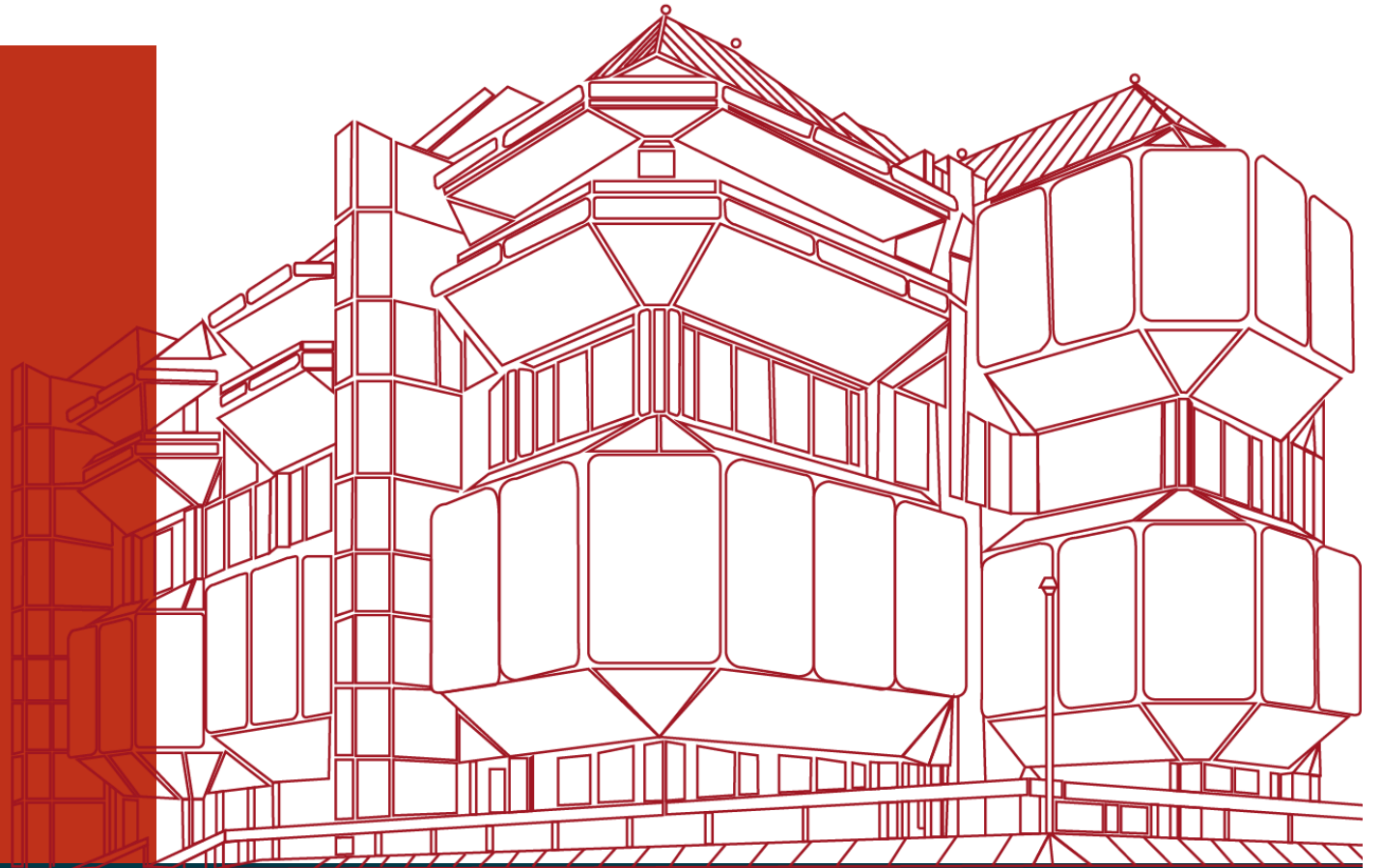
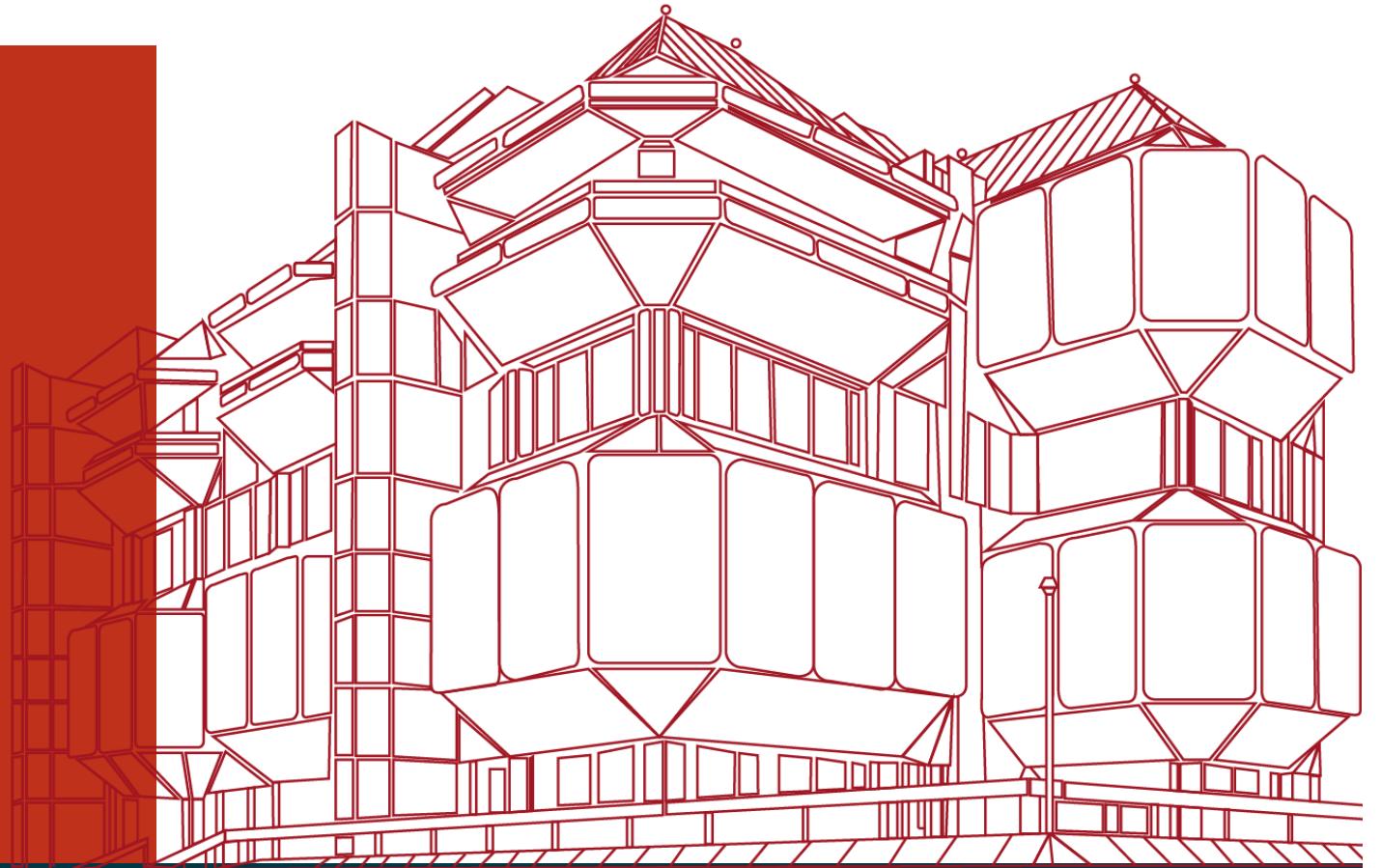




The Judiciary & the Criminal Justice System



The Judiciary & the Criminal Justice System

The Criminal Justice System (CJS) is ...

A complex interconnection of agencies geared to protect society by:

1. Detecting crime,
2. Solving crime,
3. Prosecuting persons accused of the crime,
4. Ensuring due process for accused persons,
5. Delivering good judgments (as correct as possible) and
6. Prescribing appropriate sentences and consequences with a view to
 - protecting society from convicted persons,
 - rehabilitating offenders,
 - deterring crime and
 - reducing recidivism.

Key Agencies

A Criminal Justice System comprises several bodies including:

1. The Trinidad & Tobago Police Service
2. Forensics Science Center
3. Director of Public Prosecutions
4. The Law Association of Trinidad & Tobago
5. The Legal Aid & Advisory Authority (LAAA)
6. The Public Defenders Department of the LAAA
7. The Trinidad & Tobago Prison Service
8. The Judiciary of Trinidad & Tobago
 - The Magistracy (District Courts) for summary matters involving adults
 - The Criminal High Court for indictable matters involving adults
 - The Children Court (which is also a High Court) for criminal matters involving children

Problem

The Judiciary, like the public acknowledges and recognizes

1. The crime rate is too high
2. Matters take too long to be completed

Performance Indicators

Many tend to assess the Criminal Justice System by looking at 2 indicators:

1. Backlog at the Courts

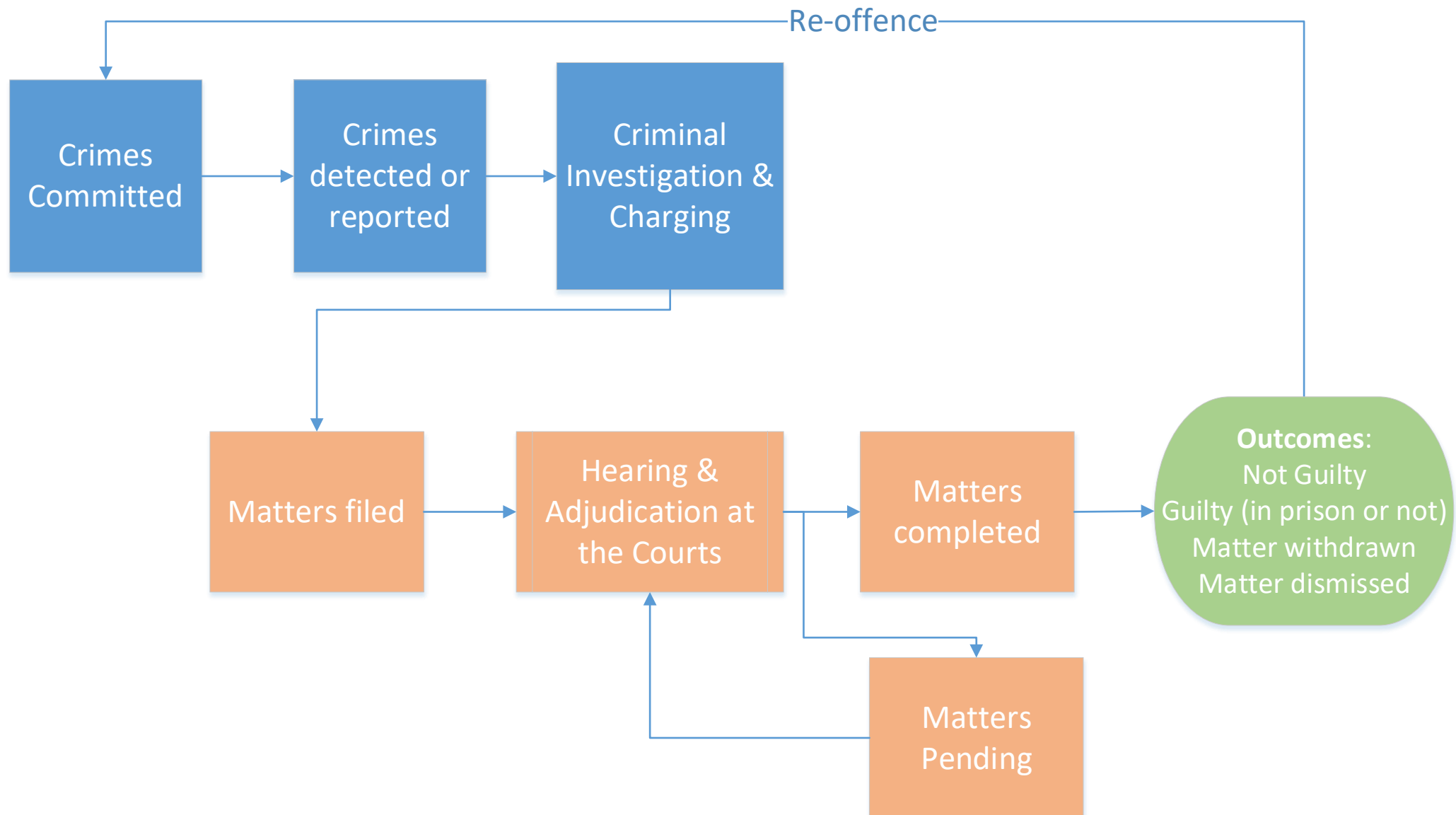


2. Expediency or Time to complete (dispose of) matters (age of matters at disposition)



Let us explore these and integrate others...

High Level Process Map

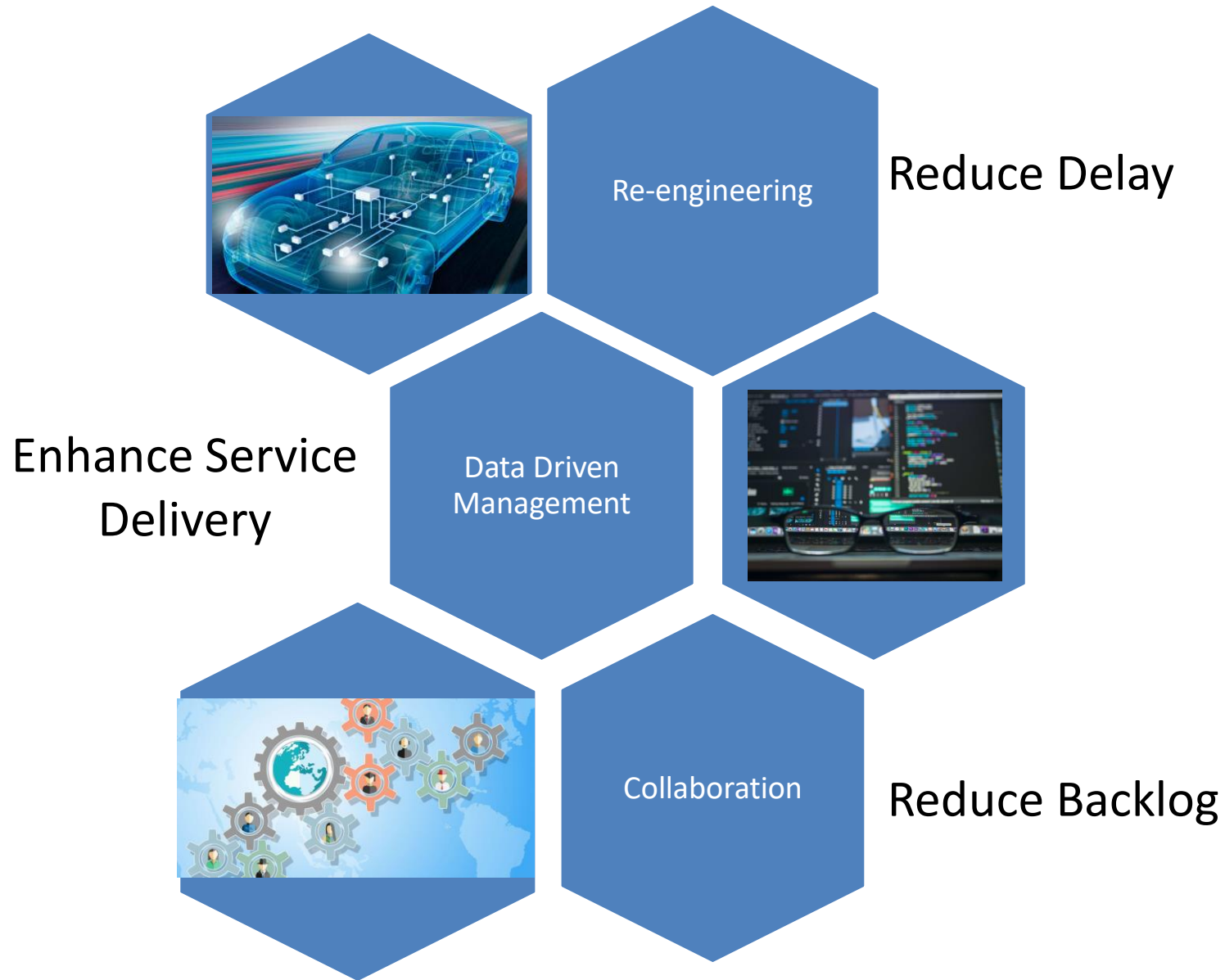


What are we facing?

Trinidad & Tobago is facing:

1. High crime rate
2. High domestic violence rate
3. Larger than expected criminal caseload at the Children Court
4. Rate of completion of matters is lower than desired
5. Large pending criminal caseload / backlog
6. Lengthy delays comprised of significant number of adjournments related to case parties and attorneys

Judiciary's Strategy



Macro-strategies

Divisionalisation of the Judiciary:

Civil cases are different from criminal cases, family cases, children cases, or estate administration.

To handle effectively and efficient they therefore have different requirements:

- Different legislation,
- Different rules,
- Different systems,
- Different processes,
- Different resources,
- Different training is required,
- Different management systems & tools, etc.

So by divisionalising we can focus the right resources to the right case types with a view to enhanced service delivery.

Decluttering the Magistracy:

1. Removed matters that did not need magisterial intervention (Traffic matters were lessened except for contest; small level marijuana possession cases were removed; attempt to move licensing but solution not effective).
2. Provisions were made for Family and DV to be removed (not fully implemented).
3. Reduced the number of districts to consolidate resources and avoid unnecessary duplication of resources

Backlog Reduction Strategies

To reduce what already exists

1. Created dockets so that each judge has a docket that he has to reduce.
2. Profiling that docket to identify matters that can be easily disposed of.
3. Create early disposition opportunities.
4. Ensure cases are well managed.
5. Hold managed trials when you must hold trials.
6. Ensure ubiquitous use of tools: Case management information, research and data analysis, e-tools including e-filing, access tools, litigation presentation, etc.

Delay Reduction Strategies

To reduce delay and maintain a current docket

1. Dockets that make judges responsible for cases from the time of filing so that the court can control the pace of litigation, not the lawyers or litigants.
2. Early identification
3. Move to and incentivise early disposition (eg judgment on admissions, offers to settle, payments into court, mediation, a filing fee structure that incentivises early disposition, a cost structure that does so too.
4. Managed cases.
5. Managed trials when trials are necessary
6. Written judgments only when necessary and within time.
7. Effective transcription systems
8. Ensure ubiquitous use of tools: Case management information, research and data analysis, e-tools including e-filing, access tools, litigation presentation, etc.

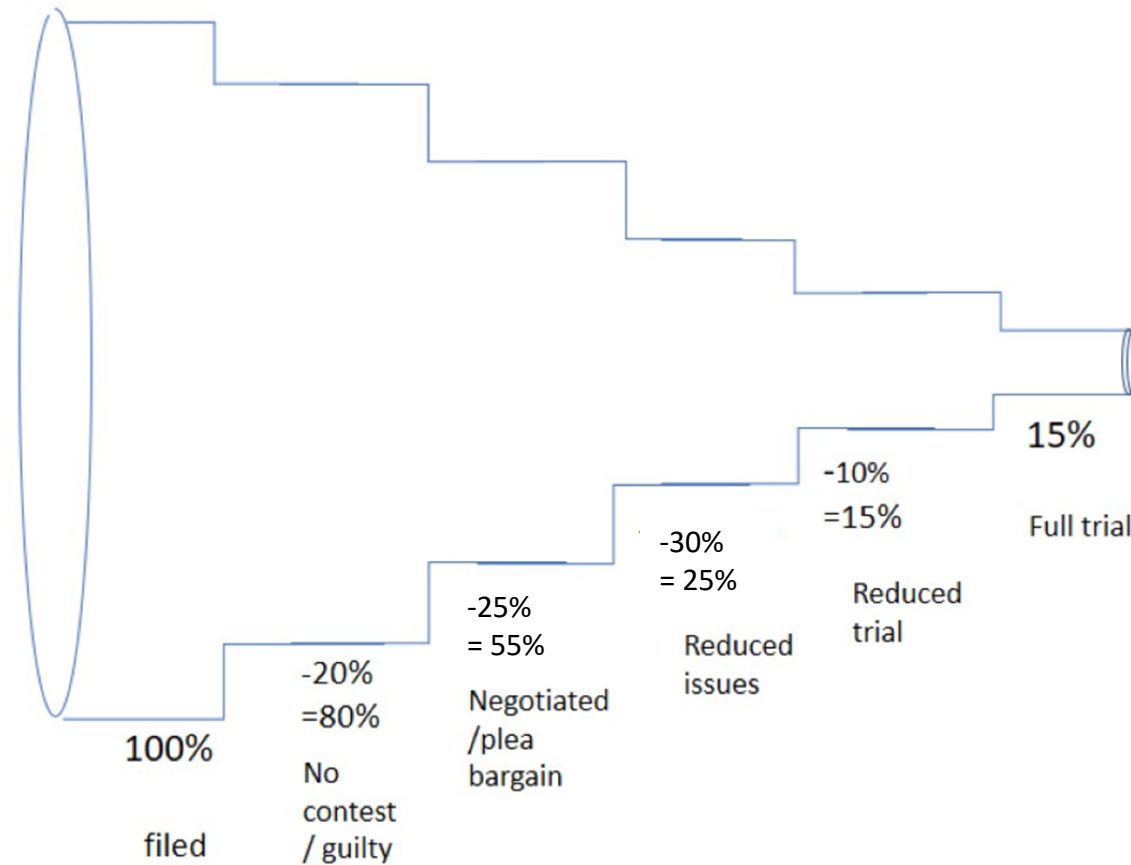
Traffic Management Analogy



1. Quantity at the start
2. Special lanes
3. Number of lanes
4. Not everything must go to POS
5. Access to exits / off-ramps
6. Management of stops

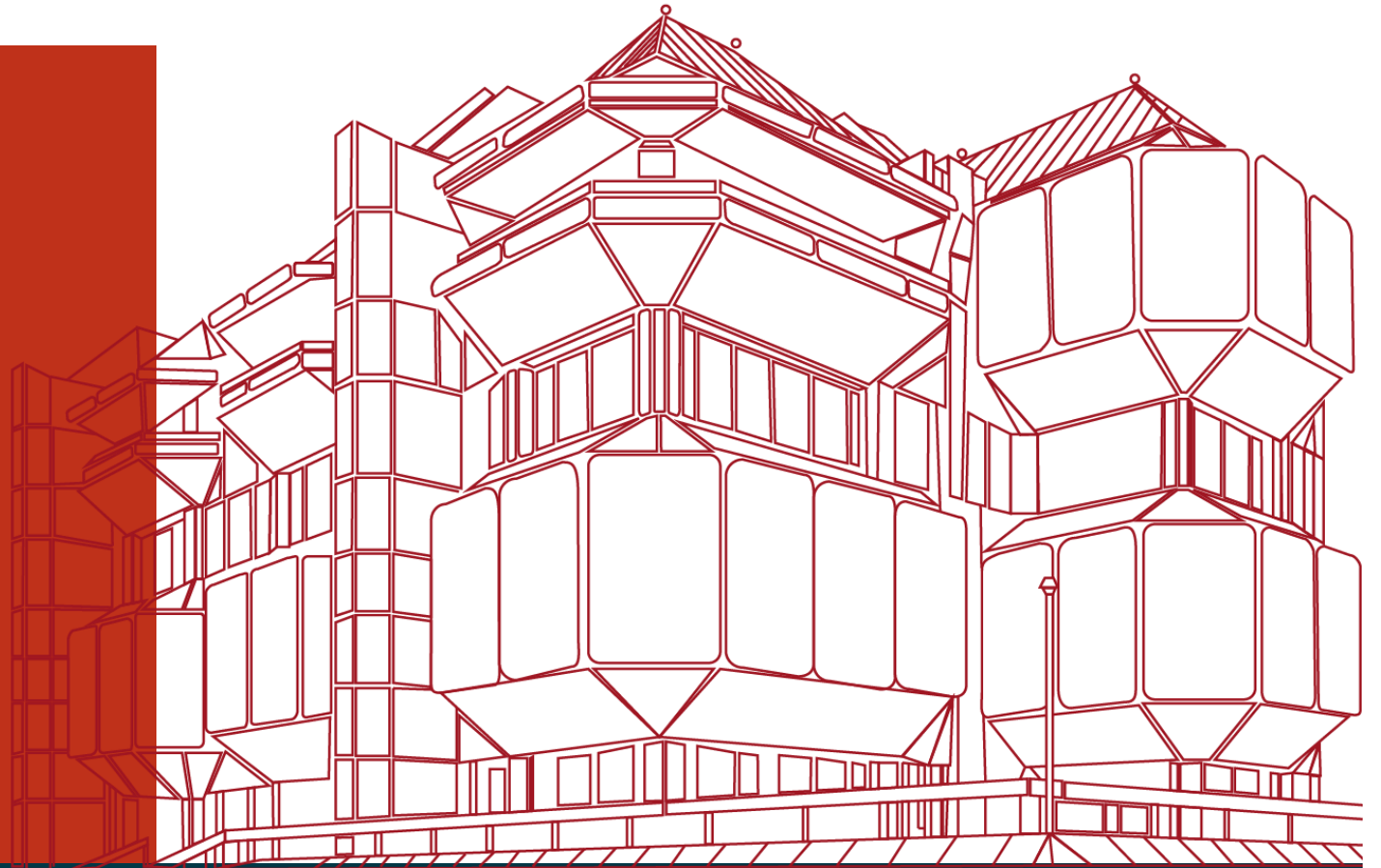
Paradigm Shift: Resolution NOT Trials

REVERSE TELESCOPE



Some opportunities for improvement

1. **Abolish Preliminary Inquiries**
2. **Appropriate charging**
3. **Less time between committals and the filing of indictments**
4. **Exploration of alternative options for early disposition**
5. **Greater adherence to Criminal Proceedings Rules**
6. **More training, exposure and mentoring of young attorneys at the criminal bar**
7. **Continued docket management and use of early identification & disposition strategies**
8. **Greater readying for and use of technology among justice sector stakeholders including video conferencing, litigation management, e-filing etc.**
9. **Use of Virtual Access Customer Centers**
10. **Continued roll out of the Family Court to address Domestic Violence matters**
11. **Greater emphasis on rehabilitation**
12. **Enhanced and proactive public education**



The Judiciary & the Criminal Justice System