

**Examining a Culture of Delay and Adjournments: Criminal Case Processing in the
Trinidad and Tobago Magistrates' Court**

Institute for Court Management
Court Executive Development Programme
2006 – 2007 Phase Three Project
May 2007

Jerome R. Mark
Deputy Court Executive Administrator
Department of Court Administration
Judiciary of Trinidad and Tobago

ACKNOWLEDGEMENTS

I thank Almighty God for the ability to prepare and present this paper.

I thank my wife, Donna, for her continued support for my developmental pursuits, which by their nature encroach on her time.

I thank the following persons who have assisted in one way or the other in the preparation of this paper:

The Honourable Chief Justice of Trinidad and Tobago for approving and supporting my pursuit of the Court Executive Development Programme;

Mr. Gary Kelly for his understanding, encouragement and support;

Mrs. Christie-Anne Morris-Alleyne for her confidence in me over the years and for her constant advice provided on this study;

Ms. Michelle-Ann Austin for her editorial contribution;

Magistrate Lianne Lee Kim for her clarification of issues related to the Magistrates' Court processes;

Mr. Desmond Hunte, Mr. Sean O'Brien, Ms. Bernadette Mc Kree and other member of the Court Statistical Unit for their assistance in data collection and compilation of the statistics and their timely interventions in this regard;

Mrs. Zorina Ali Dan and Mr. Arnold Sealy for their assistance with the survey implementation and collection and other areas of information gathering from the Magistrates' Court;

Ms. Sharon Granado my assistant for her administrative support and tolerance;

My fellow Trinidadians, Donna, Wendy and Carlene, what an experience;

Dr. Geoff Gallas for his direction and advice on the progress of this study; and

The extraordinary team of Court Administrators from the 2007 CEDP class whose inspirational e-discussions energised me to complete this study.

I am a better administrator and leader as I have come to realise as with all of life that the learning is in the process.

TABLE OF CONTENTS

LIST OF ILLUSTRATIONS.....	4
LIST OF TABLES.....	5 - 7
LIST OF APPENDICES.....	8
ABSTRACT.....	9
INTRODUCTION.....	12
LITERATURE REVIEW.....	28
METHODOLOGY.....	36
FINDINGS.....	42
CONCLUSIONS AND RECOMMENDATIONS.....	68
BIBLIOGRAPHY.....	79
APPENDICES.....	81

LIST OF ILLUSTRATIONS

Map of Trinidad and Tobago Showing Magisterial Districts	15 -16
Current Work Flow (Indictable Offences)	18
Current Work Flow (Summary Offences)	19
American Bar Association Time Standards Chart	30
Proposed Flow for Criminal Matters in the Magistrates' Court.....	72

LIST OF TABLES

Table 1. Assignment of Magistrates and Annual Caseload by District	16
Table 2. Major Offences	38
Table 3. Offences - Number and Percent	38
Table 4. Time Taken to get Bail	44
Table 5. Number of Trial Resets	45
Table 6. Number of Adjournments	45
Table 7. Adjournments by Reason and Type of Matter	46
Table 8. Time Taken to Dispose of Matters	49
Table 9. Matters Disposed Between 1/08/2005 and 31/07/2006 by Time to Disposition.....	50
Table 10. Matters Filed Between 1/08/2005 and 31/07/2006 by Time to Disposal	51
Table 11. Percentage Distribution of Methods of Disposal by Type of Matter	52
Table 12. Response to Question 5	53
<i>The Senior Magistrate of the district has established and/or endorsed the Court's case-processing time standards.</i>	
Table 13. Response to Question 41.....	54
<i>The Senior Magistrate meets with the Magistrates in their districts to review the status of pending caseloads and discuss ways of dealing with common problems.</i>	
Table 14. Response to Question 1	55
<i>The Court has adopted time standards that establish expected outside limits on case-processing time from filing to disposition, for major categories of cases.</i>	
Table 15. Response to Question 29.....	55
<i>The Court has time standards/guidelines governing the time interval between each major stage in the litigation process.</i>	
Table 16. Response to Question 2	56
<i>Magistrates who have responsibility for all/part of the caseload regularly receive management information reports that enable them to know the number</i>	

of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case

Table 17. Response to Question 35	57
<i>The Court regularly produces reports that show trends in filings, dispositions, pending caseloads and case processing times.</i>	
Table 18. Response to Question 11	57
<i>There are published policies and procedures governing the caseflow process, readily available to Magistrates, the Court's staff and bar members</i>	
Table 19. Response to Question 43.	59
<i>Mechanisms for obtaining the suggestions of Court staff about caseflow management problems and potential improvements exist and are used by the court's leaders</i>	
Table 20. Response to Question 4.....	58
<i>The Court counts every case as pending from the date that the defendant has been arrested or a summons is issued.</i>	
Table 21. Response to Question 60.....	59
<i>How frequently are cases that have been scheduled for trial or hearing adjourned because there are more ready cases than can be dealt with on the scheduled date?</i>	
Table 22 Response to Question 6.	60
<i>There is a commonly shared commitment, on the part of the magistrates, to the principle that the Court has responsibility for ensuring expeditious case processing.</i>	
Table 23. Response to Question 38.	61
<i>The Magistrates recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.</i>	
Table 24. Response to Question 19.	62
<i>Judicial support staff notify the Magistrates of cases that have been pending for long periods of time and cases in which there have been repeated adjournments.</i>	
Table 25. Response to Question 28.	62
<i>The Court has a central staff unit that regularly monitors the caseload, identifies problems (e.g. pending caseload increasing; certain cases taking unduly long), and provides recommendations for action to the chief magistrate or senior magistrate.</i>	

Table 26. Response to Question 8	63
The Court regularly conducts training on caseload management principles and techniques for Magistrates and staff.	
Table 27. Response to Question 30	64
<i>The Court has a standard orientation programme for new Magistrates and new staff members, in which the Court's policies and expectations regarding caseload management are covered thoroughly.</i>	
Table 28. Response to Question 9	65
<i>The Court has established and uses a system evaluating the effectiveness of Magistrates in handling the portions of the court's total caseload for which they have responsibility.</i>	
Table 29. Response to Question 45.....	65
<i>Magistrates whose performance in managing the caseloads for which they are responsible is below acceptable standards are provided with assistance and receive negative sanctions if their performance does not improve.</i>	
Table 30. Response to Question 10.	66
<i>The Court has a few or no cases pending for more than the maximum length of time established by its own case-processing time standards or alternatively the ABA case-processing time standards</i>	
Table 31. Response to Question 46.	67
<i>The Court follows established procedures to identify inactive cases and bring them to disposition.</i>	

LIST OF APPENDICES

Appendix I	Flow Chart of a Criminal Trial.....	81
Appendix II	Job Description for the Clerk of the Peace.....	82
Appendix III	Data Collection Instrument.....	84
Appendix IV	Letter to Caseflow Management Survey Participants.....	85
Appendix V	Court Caseflow Assessment Survey.....	87

ABSTRACT

The Judiciary of Trinidad and Tobago comprises the Supreme Court of Judicature and the Magistrates' Courts. The public perception of criminal justice in Trinidad and Tobago is formed mainly through interaction with the magistrates' court, which deals with 90% of criminal matters in the country. There has been a significant and steady increase in the crime rate in Trinidad and Tobago, especially with regard to crimes of violence. This has resulted in an outcry from all sectors of the national community including private enterprise, politicians and public interest groups for the court system to deal with its caseload more expeditiously.

This study assessed the mix of criminal matters in the magistrates' courts throughout Trinidad and Tobago and the time taken by the court to dispose of these matters. It identified the number of adjournments, the reasons recorded for these adjournments and the effect of adjournments on the courts' workload. It also sought to determine the number of matters that were dismissed due to continuous adjournments or as a direct result of effects of continuous adjournments. It also explores the extent to which other factors such as judicial commitment, court leadership, goals and standards setting, the use of information, communication, judicial education, staff involvement, caseload management and organizational accountability are perceived to be issues which affect the courts' ability to address the matters brought before it. Although many reports, articles and speeches have focused on problems associated with the magistrates' courts ability to deal with its caseload, this study provides data to allow for evidence based decision-making and project implementation.

A representative sample of criminal cases from all magistrates' court locations was extracted. The sample was proportionate to the size of each court, that is, the number selected from each court was dependent on the number of matters disposed in the particular court. A randomly selected group of stakeholders was asked to fill out a court caseload assessment questionnaire. The questionnaire, adapted from previous caseload management projects, was utilized to assess the court environment and the extent to which key elements of good caseload management are perceived to be present. Various magistrates' courts were visited and personal observations were made with regard to the administration of cases in the courtroom and the court registry. Information obtained at various multi-agency committee meetings was also utilized.

The data revealed that 42.8% of cases surveyed had three or more adjournments. Of those cases adjourned 52.6% relate to the non-appearance of either the complainant or the defense or both. The remainder of the adjournments related to the courts' inability to proceed due to the parties, or in some cases the court, not being ready to proceed. While both the internal and external stakeholders, show confidence in the commitment of some magistrates to actively manage cases, the survey identified concerns with regard to the availability, awareness and sharing of information on the courts' case management programmes, time standards and goals and more so on the involvement of staff in these programmes. There is also a perception that the court is not being held accountable in the exercise of its responsibility.

Improvement recommendations include establishment of a multi-agency committee to prepare a comprehensive implementation plan for reform of the criminal division of the magistrates court; a well-resourced pilot project to test new systems and

structures; inter-agency district court leadership and performance evaluation committees; the setting of court performance standards and goals; expanded court support services including technology, the creation of specialist staff positions, training and retooling of all members of staff; and providing sensitization and awareness programmes for the court's criminal justice partners concerning new procedures and needed support facilities.

INTRODUCTION

In an attempt to provide context for this study, a segment from the official website of the Tourism Development Corporation of Trinidad and Tobago which offers a brief narrative on the Republic of Trinidad and Tobago has been included in this section.

The Republic of Trinidad and Tobago comprises of two islands at the southern-most end of the Caribbean archipelago. Trinidad – the larger of the two islands – has an area of 4,828 sq km (1,864 sq mls) and is situated 10 km (7 miles) from the east coast of Venezuela. The capital city and main centre of government, Port of Spain is a hub of business activity and a major financial centre. San Fernando is the second largest city in the country, and is considered the industrial capital. Tobago is 32 km (20 miles) off the north-east coast of Trinidad and has an area of 300 sq km (116 sq mls). Its' principal administrative centre is Scarborough, and is situated in the southern region of the island.

The two islands are a study in contrast, Trinidad is rich in natural resources, predominantly oil and gas, and is known for its cosmopolitan lifestyle and many festivities. The richness of its' flora and fauna reflects its past linkage to the South American mainland. The more serene Tobago is the centre of the country's tourism industry, with its coral reefs, sugary-white sand beaches, natural beauty and a charisma all of its own.

Trinidad and Tobago comprises of a population of 1.3 million persons. English is the predominant language in this ethnically integrated society, however, French, Spanish, Hindi and Chinese are also spoken. The islands quality of human capital is also evident by the large number qualified professionals.

This twin island state is a blend of many ethnic communities, religions, folklore and traditions, originating from Africa, India, Europe, and the Far East. Diversity naturally follows within this collage of cultures. The majority of people practice the Roman Catholic religion however; Hinduism, Christianity and Islam are also practiced. An assortment of cultures ranging from their food, music, dance and traditions also enrich the national life of this cosmopolitan melting pot of people. These celebrations certainly prove the creativity of the people is an inexhaustible resource.¹

About the Administration of Justice in Trinidad and Tobago

The Judiciary of Trinidad and Tobago comprises the Supreme Court of Judicature and the Magistracy. The Chief Justice heads the Judiciary, one of the three separate and

¹Tourism Development Corporation: Country Profile, accessed February 15, 2007; available from http://www.tdc.co.tt/country_profile.htm; Internet. Our People, available from http://www.tdc.co.tt/our_people.htm; Internet.

independent arms of the state, and is responsible for the overall administration of justice in Trinidad and Tobago.

The Supreme Court is established by the Constitution of the Republic of Trinidad and Tobago and comprises the High Court and the Court of Appeal. A complement of twenty-three High Court Judges exercise general jurisdiction over civil matters, family matters where parties are married, and indictable criminal matters. A complement of nine Justices of Appeal, who sit in a panel of two or three at a time, exercise an appellate jurisdiction over decisions from the High Court and the Magistrates' Court. Appeals from the Court of Appeal lie to the Privy Council in England, which is the court of last resort.

The Supreme Court sits in three locations, Port of Spain, San Fernando and Tobago. Judges can adjudicate on cases at any location based on a roster prepared by the senior High Court Judge or based on random docket assignments as currently obtains in civil matters.

The Magistrates' Court deals with civil matters involving sums less than fifteen thousand dollars. Issues relating to family matters, such as custody, adoption, maintenance and domestic violence are currently heard in the family division of the magistrates' court. The Executive Branch recently approved a new Family Court structure to deal with all family law matters, which would incorporate both the High Court and Magistrates' Court jurisdictions in a single High Court jurisdiction. The Magistrates' Court also exercises summary jurisdiction² in criminal matters and holds preliminary hearings in indictable matters for the purpose of determining whether the

² A summary offence means any offence punishable on summary trial and conviction in the manner provided by the Summary Court Act Chapter 4:20. The Summary Courts Act can be accessed from <http://rgd.legalaffairs.gov.tt/Laws/Chs.%2010-13/11.02/11.02%20aos.htm>; Internet.

prosecution has made out a *prima facie* case against an accused. Indictable matters are sent to the High Court for trial once the prosecution has made a *prima facie* case. There are no jury trials in the magistracy. A flow chart of a criminal trial prepared by the Office of the Director of Public Prosecutions is presented at Appendix I.

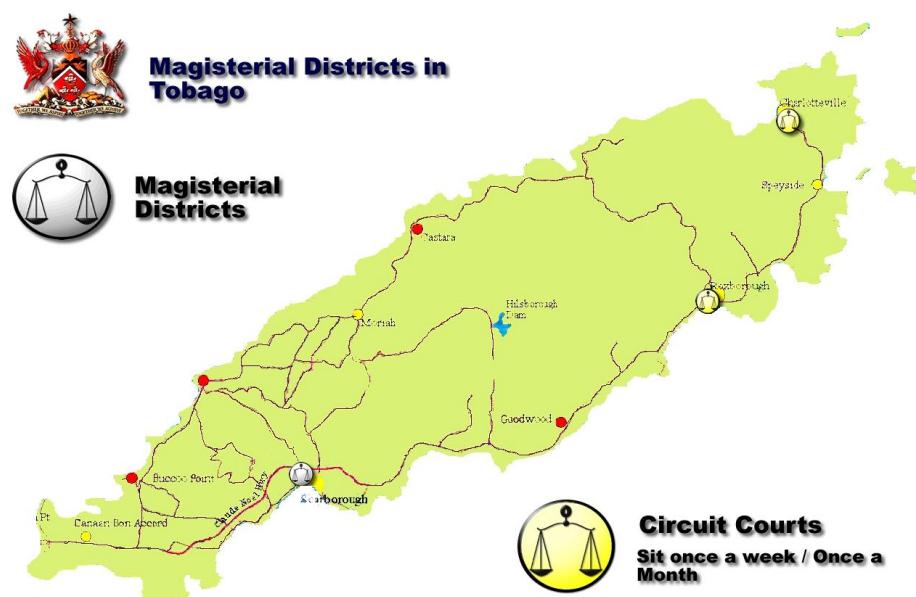
There are no rules of procedure provided by the Judiciary for matters in the Magistrates' Court and general procedures are derived from the various pieces of legislation that govern its operations. Although the legislation provides deadlines for the preferment of the charge after the offence has been committed and deadlines for certain post disposition activity, there are no other time standards provided in legislation for the progression of the case through its various stages of the court proceedings. This has been recognised as one area that must be addressed with procedural rules to allow for proper control by the court of matters under its jurisdiction.

In many instances, administrative procedures have evolved over the past 50 years to ensure recording and retrieval of the court's proceedings and for the management of cases in an attempt to deal with the increasing caseload in the Magistrates' Courts. This has lead to a difference in the case processing systems at various magisterial district courts. The magistrates' court is not a computerized environment and operates in a very labour intensive manual system. There are however, a number of Information and Communication Technology (ICT) projects that are at various stages of implementation and the electronic recording of proceedings is now being introduced.

A Chief Magistrate who reports to the Chief Justice heads the Magistracy. The Chief Magistrate is responsible for the supervision of Magistrates throughout Trinidad and Tobago with the assistance of a Deputy Chief Magistrate. In addition to their

supervisory duties, these two officers are assigned cases and manage a full caseload. There are 52 Magistrates assigned to the 13 magisterial district court locations throughout the country as illustrated below. A Senior Magistrate is located at each district to administer its judicial and legal affairs and is responsible for adjudicating on the more complex and serious matters in the district.

A few smaller magisterial district locations have one court to deal with all categories of cases and a senior magistrate is usually assigned to administer justice for those districts. The largest district location has sixteen courts to which magistrates are assigned to deal specifically with petty civil, family, traffic, summary offences or preliminary enquiries. Magistrates can easily be assigned to handle any category of case at any magisterial district court location. Matters must however be dealt with in the district in which the offence occurs. The following illustration identifies the location of magistrates' courts in Trinidad and Tobago. Table 1 identifies the number of magistrates assigned to the various district court locations and the annual caseload.





Magisterial Districts in Trinidad



Magisterial Districts

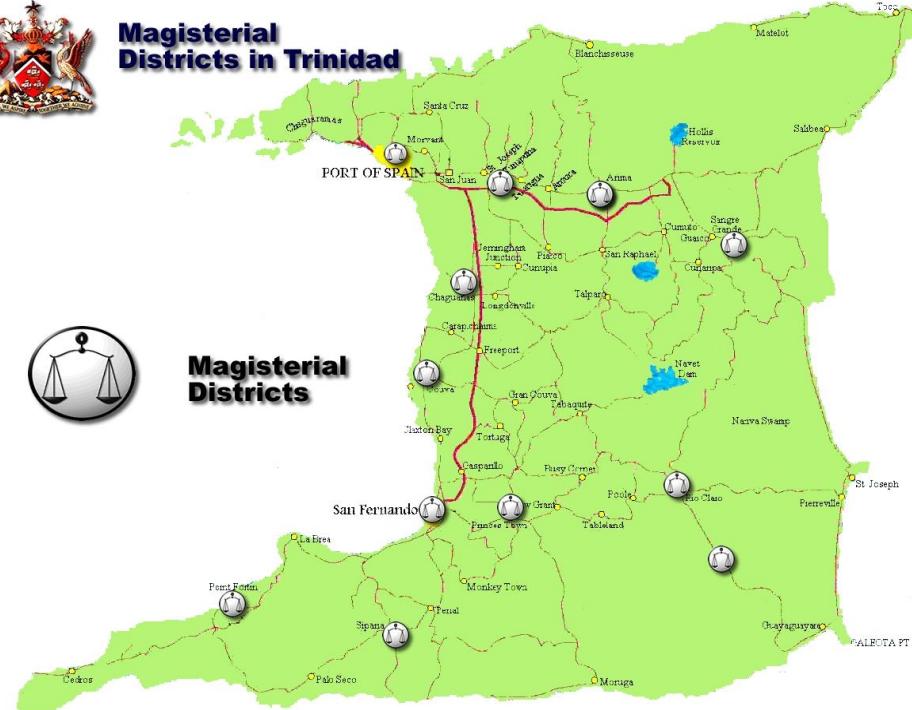


TABLE 1- Assignment of Magistrates and Annual Caseload by District

District	Number of Magistrates Assigned	Number of matters initiated - per district for the period August 2005 – July 2006	Number of matters listed for the period August 2005 – July 2006	Number of matters disposed of during the period August 2005 – July 2006
St. George West	16	12,515	115,053	14,348
St. George West (Family Court)	5			
San Fernando	5	9,684	64,477	10,360
Tunapuna	4	5,945	37,339	5,780
Arima	4	7,577	50,561	9,040
Sangre Grande	2	5,625	25,644	4,485
Chaguanas	4	6,520	39,753	9,672
Couva	1	2,564	18,158	3,350
Siparia	2	5,561	25,157	5,488
Point Fortin	2	2,221	13,191	1,777
Princess Town	2	5,542	26,637	5,150
Mayaro	1	1,420	4,345	1,344
Rio Claro	1	1,647	9,893	1,974
Tobago	3	2,709	37,339	3,106

A Clerk of the Peace is assigned to each district and is responsible for managing the court office and coordinating all judicial support services. He also attends to

members of the public and exercises other quasi-judicial functions. The Clerk of the Peace, although not required to have legal qualifications, provides legal advice to members of the public. The job description for the position of Clerk of the Peace is attached at Appendix II.

In 1998, the Chief Justice of Trinidad and Tobago created a Department of Court Administration to provide professional administrative support services for the Supreme Court and the Magistrates' Court to ensure that a more unified approach was adopted to address problems and issues arising with the administration of justice. A Court Executive Administrator who reports to the Chief Justice heads the Court Administrative Unit, which comprises professionals from various academic and technical disciplines, and includes the Registrar of the Supreme Court and the Chief Magistrate.

Criminal Proceedings in the Magistracy

There are three categories of criminal proceedings in the magistrates' court:

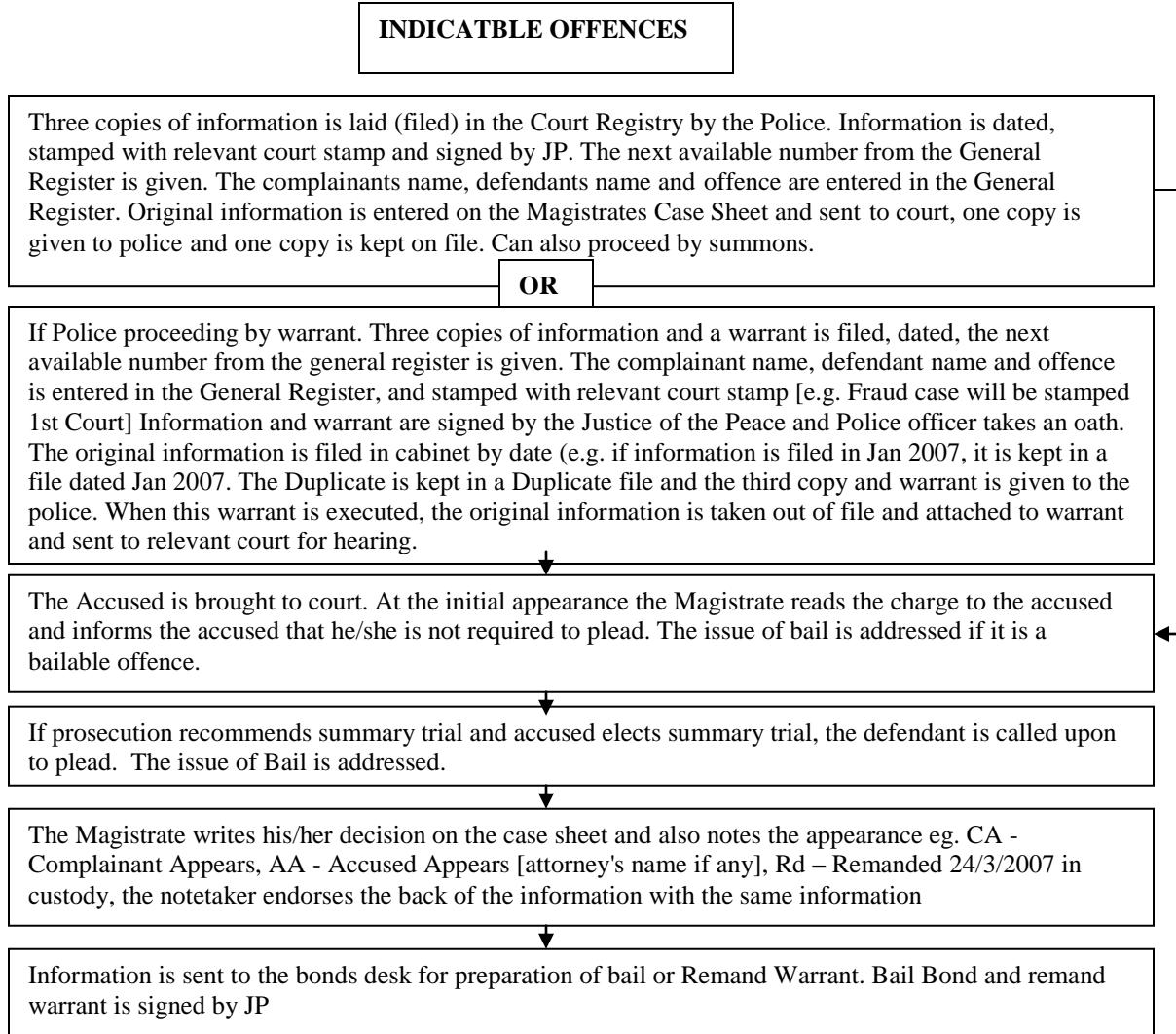
1. indictable offences;
2. summary offences; and
3. indictable offences heard summarily

1. Indictable Offences

Pursuant to the Indictable Offences (Preliminary Enquiry) Act the Magistrate is charged with the responsibility of determining whether a *prima facie* case has been made out against an accused person charged with an indictable offence. If a *prima facie* case has been made out, the accused is committed to stand trial at the assizes (High Court).

The magistrate must forward the depositions to the Director of Public Prosecutions (DPP)

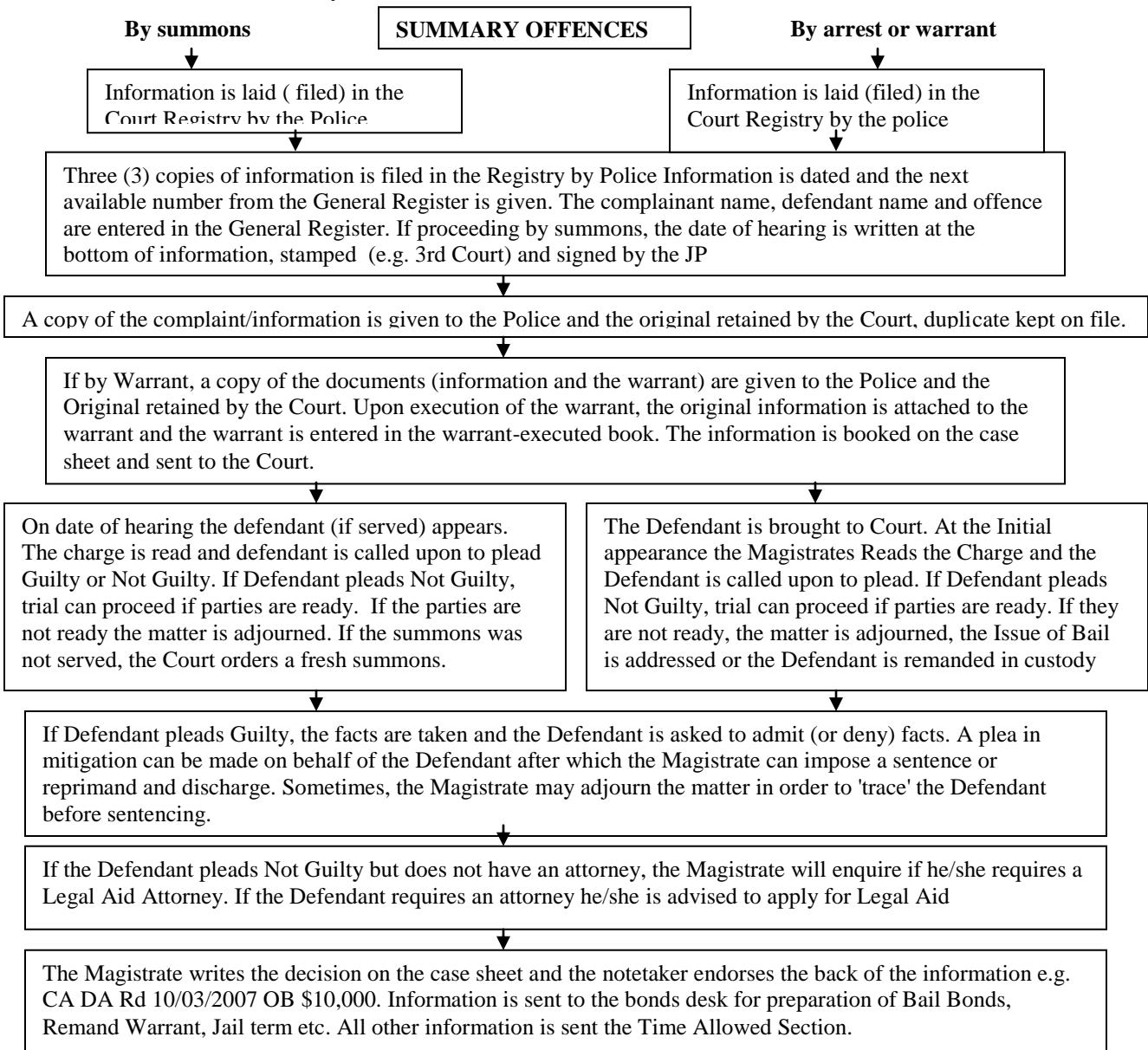
who is responsible for preparing the indictments and filing them in the High Court. The procedures for the progress of a preliminary enquiry are detailed in the Indictable Offences (Preliminary Enquiry) Act.³ The following illustration details the workflow for Indictable offences:



2. Summary Offences; and
3. Indictable Offences heard summarily.

³ The Indictable Offences (Preliminary Enquiry) Act can be accessed from <http://rgd.legalaffairs.gov.tt/Laws/Chs.%2010-13/12.01/12.01%20aos.htm>; Internet.

Pursuant to the Summary Offences Act the magistrates' court is responsible for the trial of individuals charged with summary offences or certain indictable offences that can be heard summarily.⁴ As with preliminary enquiries, most of the procedures for the processing of a summary offence are detailed in the Summary Offences Act. The following illustration details the workflow for summary offences and for indictable offences tried summarily:



⁴ From time to time, the Parliament may amend legislation to provide for certain indictable offences to be tried summarily given the prevalence of these offences.

A citizen of Trinidad and Tobago can initiate his or her own proceedings through the filing of a Private Complaint.

The present case management system requires that a list of cases be prepared manually for each court on a daily basis. The list comprises new charge cases and ongoing cases that have been adjourned to that date from a previous hearing. The court list is usually very long. All parties related to a matter including police complainants, witnesses, accused persons, victims, prosecutors and defence attorneys, must be present in court at 9:00 a.m. on the day that their matter is listed. The average individual court list on a daily basis ranges from 45 matters in the smaller districts to 116 matters in the larger districts.

If an accused is charged by the police and is brought to court on the same day, the case is simply added to the list of the court that is hearing that type of matter. The process usually involves the entry of the particulars of the complaint in a charge book and a date book and the complaint form is then taken to the relevant courtroom and inserted at the next available space on the “case sheet” which contains the list of cases before that magistrate on that day.

If after the initial appearance, the accused person is remanded in custody then that person’s case must be listed every ten days before the court to which the matter is adjourned. In the vast majority of these cases the parties are not ready to proceed and the case is adjourned on several occasions thereafter. In most cases, the court takes no significant steps to ensure that parties are ready for trial or ready to proceed with any aspect of the case on the date to which the matter is adjourned. The prosecutor is the functionary traditionally charged with the responsibility of ensuring that the case is ready

to proceed. Almost every adjournment request from the defence or the prosecution is granted.⁵

Records Management

The procedures for creating and managing records in the magistrates court is based upon the returnable date for particular court events. The court is usually interested in dealing with the court list for the day rather than management of individual cases and creation of complete case files. The case sheet⁶, the note takers notebook⁷ and the information (complaint form)⁸ are main features in this system. In 90% of the magistrates' courts, there is no dedicated staff assigned to manage the courts records and no structured records management system exists. If an interested party requires information on the next scheduled hearing date for a particular matter, a request must be made to the court registry staff who will then have to ascertain the last hearing date for the matter and view the case sheet for that court for that day to find out the next scheduled date. If the interested party or even the court needs to obtain an extract⁹ of the courts proceedings, the last hearing date must also be provided.

⁵ Carl Baar characterizes courts that do this as symbolic. See Carl Baar, "Will the Courts Survive the War on Crime?" *The Potential for Reform of Criminal Justice*, Herbert Jacobs ed, Sage, 1974, pp. 331 –347.

⁶ The presiding magistrate records the events and decisions that take place in the matters listed for hearing on that particular day on the case sheet. The case sheet is the official record of the court proceedings and must be signed by the magistrate to be considered valid.

⁷ The notebook is used by the court note-taker to record the proceedings, events and outcomes of the matters listed for hearing on a particular day. During preliminary enquiries and summary trials the note-taker must take down in writing all the testimony given before the court. The notebook must be signed by the magistrate to be considered as an official record.

⁸ The court note-taker is required to endorse the back of the complaint form with the events that occur each time the matters is listed for hearing.

⁹ An extract is a copy of the order made in the any magistrates' court proceedings and is produced from the magistrate's case sheet.

Court Related Agencies

Magistrates and court staff acknowledge that cases are frequently adjourned due to – (i) the unavailability of police officers who are complainants or witnesses before the court; (ii) failure of accused persons to settle the issue of legal representation; and (iii) delays in the analysis of exhibits at the Forensic Science Centre. The respective Directors of the Office of the DPP, Legal Aid and Advisory Authority and Forensic Sciences Centre and the Commissioner of Police have all indicated that staff shortages, the inexperience of existing staff and the inadequacy of their internal procedures hamper their ability to provide a proper level of service to the court. The symbiotic nature of the relationships between these major stakeholders in the criminal justice system necessarily means that deficiencies in the operations of one department will eventually have a negative impact on the other stakeholders and eventually affect the courts ability to dispose of its cases.

Information and Communication Technology

At present, no computerized case management information system is available to support the operations of the Magistrates' Courts in Trinidad and Tobago and labour intensive manual procedures are utilized to process cases. Although a computerized system of recording evidence is currently being introduced, the system of longhand note taking is the predominant mode of recording court proceedings. Communication between court districts on court related matters occur mainly by regular mail, telephone and facsimile.

Human Resources

While the volume and complexity of matters engaging the attention of the courts has increased as a consequence of both the increase in crime and the passage of new pieces of legislation, the staffing levels at the Magistrates' Courts have not been increased in the last decade. In fact the magistrate is usually assisted only by a court "note-taker" to record the proceedings and depends on a pool of secretarial and clerical personnel assigned to the general court office to provide other required services. There is no team assigned to assist the magistrate in actively managing the cases before the court. In fact, it has been observed that the major activities of the court office staff are attending to members of the public, managing the preparation of an accurate list of cases to be put before the magistrates on the adjourned days, processing completed case sheets from the various courts at the end of each day, preparation of manual ticklers of time allowed to pay fines related to court orders, preparing remand warrants for accused persons remanded in custody and preparing bail bonds for those accused persons admitted to bail. The processing of various activities in the court to a certain extent takes place in silos and the coordination of activities is dependant on the management style of the individual magistrate, clerk of the peace or section supervisors taking on that active role on their own volition.

Additionally, The rapid turnover of staff, due to the nature of the centralised public service appointments where public officers are promoted in and out of the organisation, has also resulted in the loss of institutional memory and expertise, while no structured orientation training programme exists to develop the knowledge, skills and abilities of new staff members.

Clerks of the Peace do not now possess the skills and formal training required to execute some of the functions, which they now perform. It has been proposed by the Judiciary, that a position of Magistracy Registrar/Clerk of the Court be created to properly manage the judicial administrative and legal responsibilities of the court office. It has been further suggested that an attorney at law hold this position.

Court Facilities

Although a court facilities improvement programme was implemented over the past five years to improve the physical operating conditions at the Magistrates' Courts, approximately 60 percent of the magistrates' courts facilities still do not possess the necessary support infrastructure to adequately provide for the modern needs of the various categories of users and administrators of the court.

Recent Efforts at Reform

The existing operating procedures in the Magistrates' Court are by nature reactive with no meaningful management and control being exercised by the court. The culture of adjournments has created a lack lustre approach by all who practice in the criminal jurisdiction and has resulted in public confidence in the criminal justice system reaching an all time low as can be gleaned from the numerous media reports over the past year. While over the past five years attempts have been made to address the magistrates' court inability to handle its criminal caseload, it can be argued that a more collaborative and integrated approach must be planned to realize tangible results.¹⁰ The gradual introduction of technology and other system reform initiatives by magistrates, court

¹⁰ Judiciary of Trinidad and Tobago. Report of the Committee Established to Consider (i) Measures which can be Adopted to Shorten Criminal Trials in the Assizes and Magistrates' Courts, and (ii) a Proposal for Setting Up a Remand Court Within the Vicinity of the Golden Grove Prison, February 2003. p. 5.

managers and administrators, which were not always well integrated, yielded a poor level of success with no real process improvement recorded to date.

Audio Digital Court Recording

A review was done on the impact of the use of audio digital recording technology on the conduct of trials and preliminary enquiries in the Scarborough Magistrates' Courts. The Senior Magistrate at the court revealed that the time taken to record evidence has been reduced considerably. It was pointed out that recording of evidence in a trial usually takes one month to complete because of the longhand system of note taking, the need to read back to witnesses and have them certify as accurate the evidence taken down in writing and constant rescheduling issues. The court however was able to complete four such trials in one day utilizing the audio digital recording system. The system allows you to record the evidence at the speed of speech and not have to depend on the writing speed and accuracy of the notetaker.

Pilot Court Projects

Criminal

The Remand Court Committee had proposed that a criminal caseflow pilot project be organized to introduce the use of caseflow management techniques in the Magistrates' Courts. The recommendations were laudable and created the collaboration between the various agencies in the criminal justice sector. It however presented logistical challenges for the administration of the proposals by the court. The Committee proposed the implementation of a case flow management pilot court in the St. George West Magisterial District. This court would receive all new matters initiated in the district and manage these matters until they were ready for transference to a trial list. It included the

requirement for the assigned magistrate to complete a case management questionnaire to assist in the management of the case. The Department of Court Administration highlighted the following issues with the project as conceived:

- the St. George West Magistrates Court, the largest and most complicated magisterial district, did not provide a properly resourced environment with the necessary systems and processes in place, human resources and technology tools and records management infrastructure;
- the increased competencies required by staff to operate a court controlled case management system were not available. In addition, an already overloaded staffing and court caseload would complicate the then existing and proposed system;
- the judicial officer could not realistically manage the extensive lists which would result on a daily basis and still be required to complete a questionnaire in court for all matters initiated;
- the pilot court would have displaced existing courts to provide accommodation for its operations; and
- the complications of operating two parallel systems without a suitable operating environment for either.

Family

The Judiciary has learnt lessons over the past three years with the operation of a Family Court pilot project. The pilot court has also revealed the benefits of having a dedicated court manager working closely with all of the agencies responsible for interacting within in the family jurisdiction and facilitating the management of cases

through the provision of case management and administrative support services to judicial officers, all in a collaborative and consultative manner. The court has been well resourced and continues to operate an efficient service to the public. The court leadership team of judicial officers and administration and the oversight of a Monitoring committee comprising stakeholders in the family justice system continuously review individual and court performance data which allows the court to continuously assess its performance standards, goals and measurements and provide feedback to the entire family justice community.

LITERATURE REVIEW

Culture is defined as the arts, customs, beliefs and all the other products of human thought made by a people at a particular time.¹¹ Any attempt to address the existing culture of adjournments and delay in the magistrates' courts, can be described as an effort to change the negative thoughts and beliefs that currently exist both internally and externally and to reengineer the customs, practices and arts (practical skills) of those who practice and operate in the court to make criminal case processing more efficient and effective.

In a review of nine state criminal trial courts Ostrom and Hanson review the concept of a “local legal culture” where expectation, born out of experience, can lead attorneys, prosecutors and judicial officers to “live up” to their shared expectation for long case processing time or as in the case of Trinidad and Tobago, the adjournment culture. It was found that there is “an attitudinal consensus in each court system.”¹² The Judiciary must therefore explore the extent to which the change of culture in the criminal justice sector can be managed or driven from within the Judicial Branch, given the existing case processing environment that is driven mainly by defence attorneys and police prosecutors.

Case Processing

The court management body of knowledge acknowledges that court delay and backlog issues have been around for centuries, however, the literature produced over the last four decades examines principles and techniques aimed at improving the efficiency

¹¹ See Longman Dictionary of Contemporary English, 1978. p. 270

¹² Brian Ostrom and Roger Hanson, Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts. Williamsburg, VA: National Centre for State Courts, 1999. p. 78.

and effectiveness of courts. These principles and techniques referred to as caseflow management have achieved some measure of success during the court reform efforts in the United States of America in the twentieth century and continue to be relevant to date.

The main thrust of caseflow management is the coordination of all the courts processes and all the courts resources to move cases from initiation to disposition. According to David Steelman et al. caseflow management involves the court taking control of its cases by creating meaningful case events and managing these events and the parties to these events to ensure that justice is delivered in a timely manner, while ensuring that the rights of the parties are not infringed.¹³ The introduction of caseflow management principles and techniques and its enabling myriad of tools, systems and structures to the criminal division of the magistrates' courts will be a drastic shift in a culture that has become reactionary and mechanical over the past 50 years.

Steelman et al. explores the need for caseflow management to be grounded by time standards or guidelines that citizens would consider as "reasonable" for the court to process most cases.¹⁴ It is widely accepted that time destroys the purposes of courts, as is borne out by the saying 'justice delayed is justice denied'. Accepted trial court case processing time standards are undergirded by normative assertions that any time taken to process a case that is longer than the time reasonably required to allow for pleadings, discovery and other court events including case preparation represents delay.¹⁵ Caseflow management seeks to provide the court with the ability to address this delay and to effectively and efficiently manage its caseload. Case processing times are usually

¹³ David Steelman with John Goerdt and James McMillan, *Caseflow Management: The Heart of Court Management in the New Millennium*. National Centre for State Courts, 2000. p. 6.

¹⁴ Ibid. p. 73.

¹⁵ American Bar Association (ABA), *Standards Relating to Trial Courts*, ed. 1992. Section 2.50.

calculated as the time between filing and disposition. Although Trinidad and Tobago has not yet adopted case processing time standards for its magistrates' court criminal division, the industry standards for criminal case processing as adopted by the American Bar Association (ABA), reproduced below,¹⁶ may be utilized for the purpose of comparison in this study.

AMERICAN BAR ASSOCIATION TIME STANDARDS			
Time Within Which Cases Should Be Adjudicated Or Otherwise Concluded			
Case Type	90%	98%	100%
Felony	120 days	180 days	365 days
Misdemeanour	30 days	-	90 days

Source: ABA, Standards Relating to Trial Courts, 1992 Edition, Section 2.52

The National Association of Court Management, through its Caseflow Management Curriculum Guidelines, has identified the following issues as critical to the successful operation of a caseflow management system:

- court system and trial court organization and authority relationships;
- identification, development, selection and succession of chief judges and court managers, chief judge and court manager executive leadership teams and other multi disciplinary executive teams;
- allocation of resources across courts, court divisions, case types and particular types of hearings;
- application of court technology and the court's research, data and analytical capability; and

¹⁶ This chart was reproduced in part to highlight the case processing time standards for criminal cases. Traffic cases utilize the time standards for misdemeanors. See Note 13 supra, p. 75.

- coordination with the judiciary's justice system partners.¹⁷

Various justice sector stakeholders in Trinidad and Tobago have now begun to accept, after the introduction of various low impact initiatives, that efficiency can only be achieved if the efforts are coordinated among all stakeholder agencies and departments. It is unfortunate however that increasing criminal activity has been the main catalyst to the acceptance of this philosophy by the powers that be, which are always interested in protecting ‘turf’.

Although it has been recognised that the court must take early control of the management of the case to ensure that all parties are prepared and that events will take place as scheduled, recognition must also be given to the fact that coordination of parties and agencies that are external to the court requires buy-in and presupposes that these agencies have adequate resources.

Court Organization and Administration

Herbert Simon in exploring the various theories on the best administrative design for an organisation explains, “mutually incompatible advantages must be balanced against each other”.¹⁸ There is no single guiding principle for effective administration, whether unity of command; centralization vs. decentralization; or focus on purpose, process, customer or location; but these are all criteria for diagnosing and exploring administrative situations in a holistic context. The court with its myriad of relationships and inter-dependencies must address its administrative structures and explore all of these criteria to ensure that justice is delivered in as fair and accessible an environment as

¹⁷ See NACM Core Competency Curriculum Guidelines: What Court Leaders Need to Know and Be Able to Do, Court Manager 18, no. 2, pp. 16-20.

¹⁸ Herbert Simon, “Some Problems of Administrative Theory,” from *Administrative Behavior*, Free Press, Third Edition, 1976. p. 36.

achievable. Some terms used by Simon¹⁹ such as ‘systems of communication’, ‘realism’, ‘loyalties’, ‘limitations to performance’ and the reference to administration as an “art” rather than a science provide food for thought on the extent to which efficiency in the coordination of justice sector agencies can be achieved by one central agency rather than an understanding between agencies and on flexible yet principled manipulation of the system to ensure the delivery of justice. Geoff Gallas identifies the necessity for courts as the independent third branche to manage, not other organisations, but organisational environments and recognize the workflow and resource dependencies.²⁰

Roscoe Pound’s exploration of popular dissatisfaction with the administration of justice²¹ is relevant, even today, in a scenario where there is a constant change in the social, moral and political conditions in Trinidad and Tobago. There is a general lack of confidence and distrust in the system of justice perpetuated in the minds of the public who do not understand the difference between the formulation of laws and its interpretation and application by the court and the role played by other agencies involved in the “administration of justice”²². The court must constantly apply the law, considering the greater good of the community, while balancing the delivery of individual justice in individual cases.

Carl Baar in reviewing the persistence of courts especially in an environment of stressors coming from external quarters, explains that courts can either lose their purpose,

¹⁹ Ibid. pp. 20-44

²⁰ Geoff Gallas, The Convention of State Court Administration: A Critical Assessment and An Alternative Approach, The Justice System Journal, Spring, 1976. p. 44.

²¹ Roscoe Pound, “The Causes of Popular Dissatisfaction with the Administration of Justice,” American Bar Association Reports 29, 1906.

²² The term administration of justice is often used interchangeably to refer to the judicial management of court matters as well as the execution of duties performed by the Office of the Attorney General, the Office of the Director of Public Prosecutions, and Law Enforcement Officers.

be absorbed as another part of the general justice system or adapt to perform in a leadership and change-agent role to effectively manage its caseload and administer justice. The current method being suggested by the chambers of commerce and public interest groups in Trinidad and Tobago to deal with the delays and adjournments experienced in the court is to create a more collaborative approach between all members of the justice sector. Baar explores the political pressure that can be brought to bear on the judiciary. The best response, he explores, is to resist the attempt to absorb the judiciary in to another arm in the criminal justice sector. He notes that:

“When the boundaries between courts and other segments of the criminal justice system are no longer distinct because courts share those segments common goals, common management and a common language, then courts have been absorbed into a larger system and have failed to persist”²³

and to do this “converts them into quasi-judicial arms of a regulatory agency”²⁴.

The best approach, as proposed by Baar, is the utilisation of administrative techniques to increase the level of involvement of judicial officers in the criminal process. He proposes the provision of court support personnel to “oversee the criminal process, so that the court becomes central rather than peripheral to the administration of criminal justice”²⁵.

The American Bar Association (ABA) in its earlier works identified, among others, two basic objectives of the court system as the determination of matters committed to its jurisdiction and the maintenance of itself as an independent and respected branch of government.²⁶ The ABA’s commentary on Standards Relating to Court Organization advanced the position that courts should administer their own affairs

²³ See note 5 supra. p. 337

²⁴ Baar, loc. cit.

²⁵ Ibid. p. 342.

²⁶ See American Bar Association (ABA), Standards Relating to Court Organization, ed. 1974. Section 1.0.

through judicial and administrative councils to ensure that the objectives are met. Among the administrative provision explored in these earlier works by the American Bar Association, the need was highlighted for a system of uniform rules throughout the court system, which could act as guidelines for magistrates, authorities for court personnel, and authoritative references for attorneys and as a check on favouritism, corruption and local prejudice. The ABA commentary also gave recognition to the important role that continuing judicial education may play in achieving success with the introduction of new court rules of procedure and other systemic changes. It states, “Continuing professional training, in addition to its direct educational product, stimulates and reinforces a sense of common purpose among those who participate in it.”²⁷ In this regard the court should set realistic goals and standards, institute a consistent program to measure and report on the courts’ performance and educate and inform the courts partners and stakeholders on the supporting role that is expected from them and update as progress takes place.

Court Support Services

The CourTools performance measures were developed by the National Centre for State Courts²⁸ to assist court administrators in assessing the extent to which they have been effective stewards of the public resources entrusted to them. The ten CourTools performance measures, with the exception of measure eight, can benefit the magistracy as it embarks on the change process by helping assess problems and moving towards setting the performance goals up front, agreeing on the measurement plan and documenting the success of the transformation process as it unfolds. Although the level of statistics required for providing the baseline data is not currently available, the recent thrust

²⁷ Ibid., Section 1.11(c), p. 13.

²⁸ See CourTools, National Centre for State Courts, 2005.

towards data collection and the impending introduction of Case Management Information Software will allow the court to realistically determine its current performance.

METHODOLOGY

The research design included several levels of analysis including a review of available caseload statistics, archival case processing and performance data collection, a court assessment questionnaire, personal observations and interviews. Pretests were conducted for the data collection instrument and the court assessment questionnaire.

An Area Court Manager and one Deputy Court Executive Administrator pretested the court assessment questionnaire and three court statistical clerks pretested the archival data collection instrument at the St. George West Magistrates Court. The pretest revealed that the court assessment questionnaire was very long, however it was deemed necessary by this researcher. The data collection instrument was adjusted to include “number of persons charged” in an attempt to see if number of accused in a matter had any significant effect on the court processing time.

1. Review of Available Caseload Statistics

A review of the 2005 – 2006 Annual Report of the Judiciary was done to obtain general caseload statistics for all Magistrates’ Courts in Trinidad and Tobago. Information was obtained on the number of matters filed and determined generally, and specifically for the criminal jurisdiction for the period August 1, 2005 to July 31, 2006. The clearance rates for criminal cases (excluding traffic matters) were calculated and provided. An attempt was made to determine the pending caseload for the magistrates’ court but this information was not readily available.

2. Data Collection: Documenting Criminal Case Processing Practices and Performance

The data collection instrument included as Appendix III was administered by the Court Statistical Unit to obtain information from case sheets and other court documents on the processing of cases in all Magistrates' Courts in Trinidad and Tobago by examining matters, which were disposed between August 1st 2005 and July 31st 2006. The sample size was determined to be approximately six hundred (600). While the sample was supposed to provide data on matters disposed between August 1st 2005 and July 31st 2006, there were 16 matters, which fell outside of that time frame.

The sample was systematically selected using an interval of 100 for traffic matters and 50 for all other matters. The sample was proportionate to the size of each court, that is, the number selected from each court was dependent on the number of matters disposed in the particular court.

Before the sample was selected it was necessary to ensure that the matters were sorted by month of disposal. The months were then placed in order starting with August 2005 followed by September 2005 right up to July 2006.

Starting with matters disposed in August 2005 and using a randomly selected number from 1 to 50 the first matter was selected. Thereafter every fiftieth matter was selected. The months were treated as a continuum so that if in August there were 200 matters the first matter in September 2005 became number 201.

A total of 681 matters were examined of which 239 or 35.1% were indictable matters while traffic matters accounted for 286 or 42.0% of the total number of matters.

Summary matters accounted for 81 or 11.9% and other matters 75 or 11.0% accounted for the remainder. (Table 2)

Table 2. Major Offences

MAJOR OFFENCES	NUMBER	PERCENT
Indictable Matter	239	35.1
Summary Matter	81	11.9
Traffic Matters	286	42.0
Other	75	11.0
TOTAL	681	100.0

Of the indictable matters, charges relating to narcotics accounted for 138 or 20.3% of all matters and 57.5% of the total indictable matters. In the case of traffic matters 127 or 18.6% were for driving offences, while 159 or 23.3% were other traffic matters. Private complaints 64 accounted for the bulk of the other matters (Table 3).

Table 3. Offences - Number and Percent

OFFENCES	NUMBER	PERCENT
Kidnapping	1	0.1
Arms & Ammunition	16	2.3
Sexual Offences	8	1.2
Narcotics	138	20.3
Fraud	10	1.5
Robbery	14	2.1
Wounding	17	2.5
Larceny	35	5.1
Housebreaking	12	1.8
Other Summary Matters	69	10.1
Driving Offences	127	18.6
Other Traffic	159	23.3
Petty Civil	4	0.6
Private Complaints	64	9.4
Other	7	1.0
TOTAL	681	99.9

A number of problems were encountered during the exercise. Very often the records of disposed matters were not kept in an orderly manner at the various courts. As far as was possible they were arranged by month before selection. It was not possible to arrange them by day.

Another difficulty related to the reasons identified in the court records for adjournments. In many instances no reason was given while in other instances there were inconsistencies in the codes used for the reason. This is as a result of the different procedures and administrative systems put in place at the various court locations and also due to a lack of standard setting across the board. This is currently being addressed.

3. Caseflow Management Survey: Survey of Key Persons on the Issues

Impacting Case Processing in the Criminal Courts

The survey instrument included as Appendix V was adapted from the Trial Court Self-assessment Questionnaire and Scoring Forms produced by Barry Mahoney et al.to fit the Trinidad and Tobago context.²⁹ Participants were randomly selected and requested to complete the form and return it within three weeks. Participants were selected from two large magisterial court districts and one small district court and this included magistrates, clerks of the peace, general court staff, police prosecutors and defence attorneys. Area Court Mangers were thoroughly briefed on the administration of the survey and assisted in its distribution and collection. They also provided clarification to the participants on areas that required such.

²⁹ Barry Mahoney, Maureen Solomon, Antoinette Bonacci-Miller and Holly C. Bakke, Trial Court Self-assessment Questionnaire and Scoring Forms, National Centre for State Courts, 1989.

Despite the above reported efforts, survey responses took longer than expected to return and the analysis and presentation of the results were also delayed. A total of 13 persons completed the survey from a target group of 30, and a few of the returned surveys were incomplete. The individual results were compiled and compared and group results were also produced. Due to the small sample size, the results from all groups were analysed as one data set and no real comparisons could be made between groups.

4. Personal Observation and Site Visits

As a part of the study, three courts, one large and two small, were visited to make personal observations on the court proceedings for one half day each and another half day was spent observing the procedures and processes in the court registries. This exercise was very valuable in connecting the statistical data provided in the report with the views expressed during the informal group discussions and my own perceptions on the operations of the magistrates' court.

5. Interviews

Information, which this study proposed to obtain through structured interviews, had to be derived from group session and various justice sector committee meetings where some of the initial findings were explored with participants. It was originally proposed that the findings of the surveys and data collection exercise would be presented to the various categories of stakeholder via group sessions to obtain their views on the results. This however, could not be done due to the time taken to process the questionnaires and other time constraints. The information gained from on going

discussion at various committee meetings on similar issues related to the criminal justice sector has therefore been utilized in this project report.

FINDINGS

The data collected identified the mix of criminal matters in the magistrates' court and the time taken by the court to dispose of these matters. The data also highlighted the number of adjournments, the reasons recorded for these adjournments and the effect of adjournments on the court workload. It also sought to assess the number of matters that were dismissed due to continuous adjournments or as a direct result of effects of continuous adjournments.

The results of the court assessment survey highlight the perception of operators and users of the court with regard to the issues of judicial commitment, court leadership, staff involvement, the use of information and communication, judicial education, organizational accountability and the awareness and utilization of case management concepts and principles in the current court system.

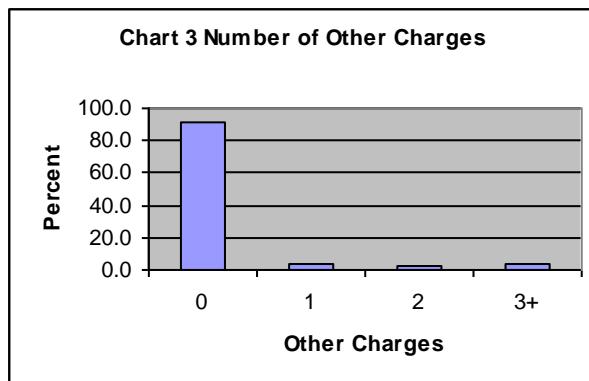
Caseload Statistics

According to the 2005 –2006 Annual Report of the Judiciary 69,510 cases were initiated between the period August 2005 to July 2006, of which 46,514 or 66.9% were criminal matters. The number of cases disposed of between the same period was 75,874, of which 54,949 were criminal matters.³⁰ When traffic matter are excluded, the number of criminal matters initiated amount to 38,477 while the number of matters disposed were 32,294, giving a clearance rate of 83.9%.

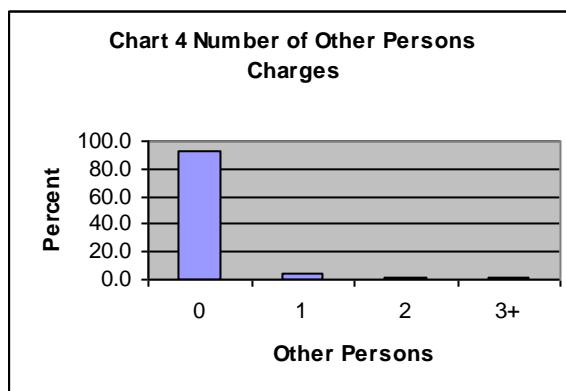
³⁰ The pending caseload for the magistrates' court is not readily available. The information must be obtained during a concentrated exercise over the next six to nine months as a separate and dedicated exercise.

Case Processing

In the vast majority of cases in the sample, 620 or 91.0%, there was only one charge. In 21 or three percent of the cases there were three other charges laid.



In terms of the number of other persons included in the charges, the majority of cases 632 or 92.8% had no other persons charged. In 11 matters or 2.8% there were three or more other persons charged.

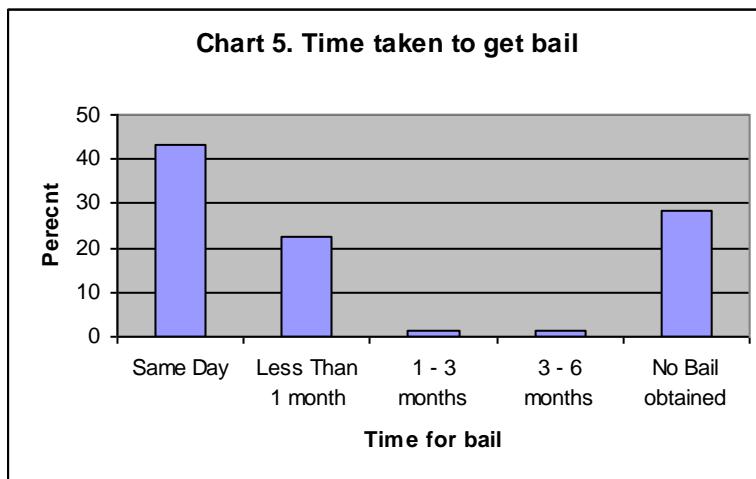


Of the matters reviewed 152 or 22.3% were bailable matters, and of these in the majority of cases 66 or 43.4%, bail was obtained the same day. In 48 matters or 31.6% of the matters the accused was not able to obtain bail. (Table 5). This means that 48

persons in addition to the non-bailable offenders had to return to court every ten days to be remanded in custody until disposal of their matters.

Table 4. Time taken to get Bail

TIME FOR BAIL	TOTAL	PERCENT
Same Day	66	43.4
Less Than 1 month	34	22.4
1 - 3 months	2	1.3
3 - 6 months	2	1.3
No Bail obtained	48	28.6
TOTAL	152	100.0



Of the matters that came before the court 178 or 26.1% had a trial; the remaining 73.9% were determined based on the hearing of the information presented. Of those that had a trial 159 or 89.3% had no resets while six or three point five percent had three or more resets. (Table 6)

Table 5. Number of Trial Resets

NO OF TRIAL RESETS	TOTAL	PERCENT
None	159	89.3
One	5	2.8
Two	4	2.2
Three or more	6	3.5
Not Stated	2	2.2
TOTAL	176	100

Adjournments

While in 258 or 37.9% of matters there were no adjournments in 24 or 3.5% of the matters there were 30 or more adjournments. Overall in 13.5% of matters there were ten or more adjournments (Table 7).

Table 6. Number of Adjournments

NO. OF ADJOURNMENTS	TOTAL	PERCENT	TOTAL NUMBER OF HEARINGS
0	258	37.9	258
1	58	8.5	116
2	74	10.9	222
3	56	8.2	224
4	53	7.8	212
5	32	4.7	160
6	19	2.8	114
7	13	1.9	91
8	11	1.6	88
9	15	2.2	135
10	7	1	70
11-19	47	6.9	517 – 893
20-29	14	2.1	240 – 406
30+	24	3.5	> 720
TOTAL	681	100	3,167 - 3709

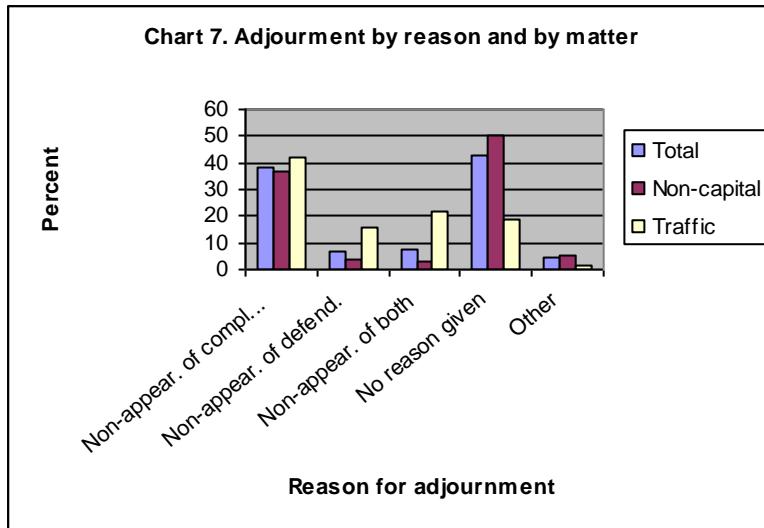
The reasons for adjournments are shown in Table 8. Overall there were 3372 adjournments listed or an average of approximately five adjournments per case. The major reasons for adjournments were “non-appearance of complainant”, 38.3%, “non-appearance of accused”, 6.8%, “non-appearance of both parties”, 7.5%, and “no reason given”, 43.1%. These accounted for 95.7% of all adjourned matters.

Table 7. Adjournments by Reason and Type of Matter

Reason for adjournment	Total		Non-capital		Traffic	
	No.	Percent	No.	Percent	No.	Percent
<i>Non-appearance of complainant</i>	1298	38.3	967	37.1	331	42.0
<i>Non-appearance of defendant/accused</i>	230	6.8	104	4.0	126	16.0
<i>Non-appearance of both parties</i>	254	7.5	84	3.2	170	21.6
<i>No reason given</i>	1461	43.1	1312	50.4	149	18.9
<i>Other</i>	149	4.3	137	5.3	12	1.5
<i>TOTAL</i>	3392	100.0	2604	100.0	788	100.0

The situation is completely different when the adjournments are examined by type of matter namely non-capital and traffic. In the case of non-capital matters no reason was given in 50.4% of the adjournments as compared to 18.9% for traffic matters. On the other hand “non-appearance of both parties” accounted for only 3.2% of non-capital adjournments but 21.6% of traffic matters. “Non-appearance of complainant”³¹ accounted for the second highest amount of adjournments for both types of matters. In the case of non-capital matters the proportion was 37.1% while for traffic matters it was 42.0%.

³¹ The complainant referred to is the police officer that charges the accused and brings the complaint before the court.



It was observed, and court staff have confirmed, that the reasons provided in court for the non-appearance of the complainant in a number of cases are illness, vacation leave, officer out of the jurisdiction, officer on special assignment and/or on bereavement or emergency leave. Similarly, where no reason was given for the adjournment, it was suggested by court staff that there are several of other reasons such as:

- the size of the list on any given day could not facilitate active progression of all matters;
- the defendant had not yet settled the issue of legal representation;
- a request for adjournment by either the prosecution or the defence, as either party may not be ready to proceed or may be unavailable due to other court commitments; and
- the unavailability of probation reports, medical reports or reports from the Forensic Sciences Centre.

It has also been pointed out that where ten day remand issues are being dealt with, no reasons are usually recorded for the adjournment if parties are not ready to proceed.

One of the effects of frequent adjournments can be seen in research conducted by the research division of the Trinidad and Tobago Police Service. This result of this research was presented at a meeting of a multi-disciplinary committee. It revealed that the attendance of police officers at court where matters are continuously adjourned has led to a loss of considerable man-hours. The complaint expressed by the police service at various forums is that while officers must attend court as a part of the criminal justice process, the fight on crime suffers a serious blow when officers, who are familiar with the “players” operating in the various crime “hot spots”, are not available to detect and prevent crime, as a result of their attendance to court duties. It has been asserted that if matters go on when scheduled and officers can assist the court and quickly move on to other cases then adjournments due to non-appearance of complainants will decrease.

Time to Disposition

In viewing disposals that took place during the selected time frame 665 matters were disposed. Of these 19.5% were disposed the same day, 17.5% within one month and 8.1% three months. Overall 51.8% of these matters were disposed within six months of filing. However, 14.1% took between six and twelve months to be disposed, 19.9% between one and two years, and 13.9% took two years and more to be disposed.

Table 8. Time taken to Dispose of Matters

TIME TO DISPOSITION	TOTAL	PERCENT	CUMMULATIVE PERCENT
Same Day	132	19.4	19.4
Less Than 1 month	117	17.2	36.6
1 - 3 months	54	7.9	44.5
3 - 6 months	47	6.9	51.4
6 - 12 months	96	14.1	65.5
1 - 2 years	134	19.7	85.2
Over 2 years	93	13.7	98.9
Not Applicable	8	1.1	100
TOTAL	681	100	100

In looking at the major offences 31.3% of indictable matters were disposed on the same day of filing. Overall 63.1% of these matters were disposed of within six months however 19.7% took two or more years to be disposed.

On the other hand in the case of summary matters 65.4% were disposed of within six months with 30.9% being disposed on the same day and 9.9% taking two years or more to be disposed (Table 10). The court currently has no official standards with regard to the percentage of matters that should be disposed of within a certain period from the date of initiation. The widely accepted American Bar Association Time Standards³² for felony cases state that 90% of felonies should be disposed within 120 days, 98% within 180 days and 100% within one year and for misdemeanour cases 90% in 30 days and 100% in 90 days.

An analysis of the case processing times for indictable matters show that approximately 61.1% of these matters were disposed within 180 days when compared with a 98% goal set by the ABA for felony cases. Summary matters had a 46.9%

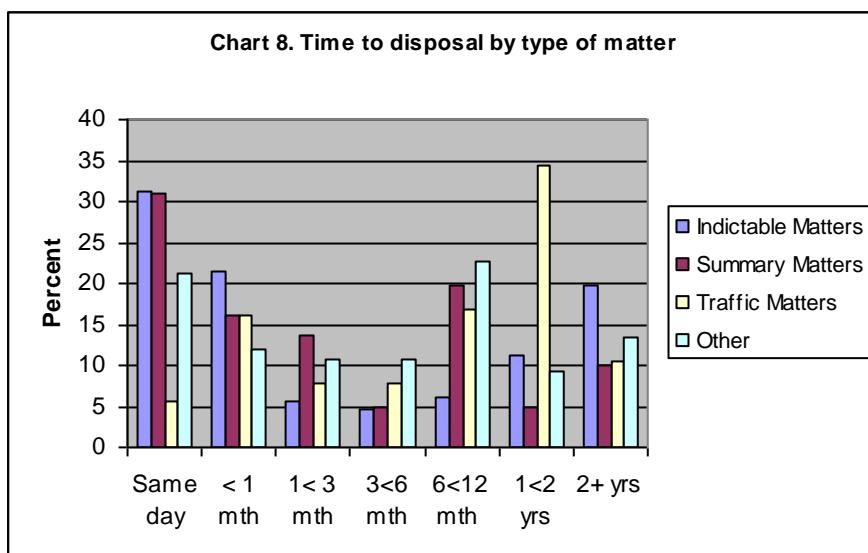
³² See Note 16 supra.

disposal rate within 30 days while traffic matters achieved only 21.8% disposal within the same period when compared with the 90% time to disposition standard set by the ABA for the 30 day period.

Table 9. Matters disposed between 1/08/2005 and 31/07/2006 by time to dispose

NO OF MAJOR OFFENCES	TOTAL	TOTAL %	SAME DAY	< 1 MTH	1 - 3 MTHS	3 - 6 MTHS	6 - 12 MTHS	1 - 2 YEARS	OVER 2 YEARS	N / A
Indictable Matters	232	100.0	31.3	21.5	5.6	4.7	6.0	11.2	19.7	0.0
Summary Matters	81	100.0	30.9	16.0	13.6	4.9	19.8	4.9	9.9	0.0
Traffic Matters	278	100.0	5.7	16.1	7.9	7.9	16.8	34.4	10.4	0.7
Other	74	100.0	21.3	12.0	10.7	10.7	22.7	9.3	13.3	0.0
TOTAL	665	100.0	19.5	17.5	8.1	6.7	14.1	19.9	13.9	0.3

Traffic matters tended to take a longer time to be disposed of. Only 5.7% were disposed of on the same day of filing and 37.6% within six months. A substantial proportion, 34.4% took between one year and two years to be disposed, while 10.4% took two or more years to be disposed. For other matters, which were mainly private complaints 54.7% were dealt with within six months.



Of the 333 matters initiated and disposed of within the period reviewed, 38.7% were dealt with on the same day and about 94.5% within six months. For Indictable matters, the corresponding proportions were 49.0% and 95.6%, while for Summary matters they were 53.2% and 97.9% respectively.

As was observed with the previous set of data traffic matters took a slightly longer time to be disposed. Only 16.0% was disposed on the same day. However, a further 45.0% was disposed in less than one month. In the case of other matters 97.4% were dealt within six months (Table10).

Table 10. Matters filed between 1/08/2005 and 31/07/2006 by time to dispose

NO. OF MAJOR OFFENCES	TOTAL	TOTAL %	SAME DAY	< 1 MTH	1 - 3 MTHS	3 - 6 MTHS	6 - 12 MTHS	1 - 2 YEARS	OVER 2 YEARS	N / A
Indictable Matters	147	100.0	49.0	32.0	8.8	4.8	3.4	0.0	0.0	2.0
Summary Matters	47	100.0	53.2	25.5	19.1	0.0	2.1	0.0	0.0	0.0
Traffic Matters	100	100.0	16.0	45.0	17.0	12.0	8.0	0.0	0.0	2.0
Other	39	100.0	41.0	23.1	20.5	12.8	2.6	0.0	0.0	0.0
TOTAL	333	100.0	38.7	33.9	14.1	7.2	4.5	0.0	0.0	1.5

Table 11. Percentage Distribution of Methods of Disposal by Type of Matter

METHOD OF DISPOSAL	TOTAL	INDICTABLE	SUMMARY	TRAFFIC	OTHER
<i>Trial</i>					
Not Guilty	0.1	0.0	0.0	0.3	0.0
Guilty & Fined	2.5	2.1	2.5	3.1	1.3
Guilty & Sent HL	1.0	0.8	1.2	0.0	5.3
Guilty & Sent. S	0.4	0.8	1.2	0.0	0.0
Reprim. & Disch	1.8	1.7	0.0	1.4	5.3
<i>Hearing</i>					
Fined	37.2	33.1	28.4	47.9	18.7
Prison (HL)	3.1	6.3	6.2	0.3	0.0
Prison (S)	1.5	2.9	1.2	0.0	2.7
Bonded	2.8	4.6	4.9	0.0	5.3
Probation	0.4	0.8	1.2	0.0	0.0
Reprimand. & Discharged	1.0	1.3	2.5	0.7	0.0
<i>Other</i>					
To Stand Trial in Assizes	0.9	2.5	0.0	0.0	0.0
Discharged no (Indictable)	3.8	9.6	1.2	0.0	2.7
Discharged DPP	0.1	0.4	0.0	0.0	0.0
Dismissed NEO	1.3	1.3	3.7	0.3	2.7
Dismissed NAC	11.2	7.9	16.0	11.9	13.3
Dismissed WOP	0.6	0.4	1.2	0.0	2.7
Dismissed (Summary)	24.1	15.1	23.5	29.0	34.7
Committed to a home	0.1	0.4	0.0	0.0	0.0
Not Stated	5.6	7.9	4.9	3.8	5.3
Undefined	0.4	0.0	0.0	1.0	0.0
TOTAL	100.0	100.0	100.0	100.0	100.0

HL – Hard Labour

S - Simple imprisonment

PF - No prima facie case made out

DPP – Director of Public Prosecution

NEO – No evidence offered

NAC – Non-appearance of complainant

WOP – For Want of Prosecution

Court Assessment

The following selected responses to the court assessment questionnaire reveal the perceptions of Magistrates, Staff, Administration, Prosecutors, and Defence Attorneys concerning: Leadership, Goals, Information and Communication, Caseflow Management Procedures, Judicial Commitment, Staff Involvement, Education and Training, Mechanisms for Accountability and Backlog Reduction/Inventory Control. While the total number of useable surveys are very small, the perceptions reported below provide perspective about current practices and needed improvements in the ability of the Magistrates' Court to manage the court's caseload.

Leadership

Question 5. The Senior Magistrate of the district has established and/or endorsed the Court's case-processing time standards.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	3 100.0%	2 66.7%	0 0.0%	1 100.0%	1 20.0%	7 53.8%
Somewhat quiet support	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 20.0%	2 15.4%
Quiet support, within the court	0 0.0%	1 33.3%	0 0.0%	0 0.0%	1 20.0%	2 15.4%
Somewhat public support	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 40.0%	2 15.4%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Senior Magistrate of the district has established and/or endorsed the Court's case-processing time standards*, seven or 53.8% of the respondents to the survey said no, which was the modal answer. Each of the other possible answers

somewhat quiet support; quiet support, within the court and somewhat public support represented two or 15.4% of the responses to Question 5.

Question 41. The Senior Magistrate meets with the Magistrates in their districts to review the status of pending caseloads and discuss ways of dealing with common problems.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	2 66.7%	0 0.0%	0 0.0%	1 20.0%	3 23.1%
No	3 100.0%	0 0.0%	0 0.0%	1 100.0%	1 20.0%	5 38.5%
Rarely	0 0.0%	1 33.3%	1 100.0%	0 0.0%	0 0.0%	2 15.4%
Occasionally	0 0.0%	0 0.0%	0 0.0%	0 0.0%	3 60.0%	3 23.1%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Senior Magistrate meets with the Magistrates in their districts to review the status of pending caseloads and discuss ways of dealing with common problems*, five or 38.5% of the respondents to the survey said no, which was again the modal answer. ‘Occasionally’ represented three or 23.1% of the responses to Question 41 and another three or 23.1% of the respondents to the survey did not offer a response to this question.

Goals

Question 1. The Court has adopted time standards that establish expected outside limits on case-processing time from filing to disposition, for major categories of cases.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
No standards or guidelines	3 100.0%	2 66.7%	0 0.0%	1 100.0%	1 20.0%	7 53.8%
Informal guidelines exist	0 0.0%	1 33.3%	1 100.0%	0 0.0%	2 40.0%	4 30.8%
Yes- written standards have been adopted and published	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has adopted time standards that establish expected outside limits on case-processing time from filing to disposition, for major categories of cases*, seven or 53.8% of the respondents to the survey said that there were No standards or guidelines, the modal answer. ‘Informal guidelines exist’ represented four or 30.8% of the responses to Question 1.

Question 29. The Court has time standards/guidelines governing the time interval between each major stage in the litigation process.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
No	2 66.7%	2 66.7%	1 100.0%	1 100.0%	3 60.0%	9 69.2%
Guidelines cover some but not all intervals	1 33.3%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	2 15.4%
Yes	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has time standards/guidelines governing the time interval between each major stage in the litigation process*; nine or 69.2% of the respondents to the survey said No, which was the modal answer. ‘Guidelines cover some but not all intervals’ represented two or 15.4% of the responses to Question 29. Only one or 7.7% of the respondents to the survey said ‘Yes’ to this question.

Information

Question 2. Magistrates who have responsibility for all/part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
No	3 100.0%	2 66.7%	0 0.0%	1 100.0%	2 40.0%	8 61.5%
Little information provided regularly	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
Some information provided regularly	0 0.0%	1 33.3%	0 0.0%	0 0.0%	2 40.0%	3 23.1%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *Magistrates who have responsibility for all/part of the caseload regularly receive m'gt info reports that enable them to know the no. of pending cases for which they are responsible, the dist. of these cases by age since filing, and status of each case*; eight or 61.5% of the respondents to the survey said No, which was once more the modal answer. ‘Some information provided regularly’ represented three or 23.1% of the responses to Question 2. Only one or 7.7% of the respondents to the survey offered no response to this question.

Question 35. The Court regularly produces reports that show trends in filings, dispositions, pending caseloads and case processing times.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
No	2 66.7%	2 66.7%	0 0.0%	0 0.0%	0 0.0%	4 30.8%
Rare trend analysis	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
Some trend analysis	1 33.3%	1 33.3%	0 0.0%	1 100.0%	2 40.0%	5 38.5%
Often analysis of trends	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Yes-regular analysis of trends in all of these areas	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court regularly produces reports that show trends in filings, dispositions, pending caseloads and case processing times*; five or 38.5% of the respondents to the survey said ‘Some trend analysis’, which was the modal answer. ‘No’ represented four or 30.8% of the responses to Question 35. Only one or 7.7% of the respondents to the survey offered no response to this question.

Communications

Question 11. There are published policies and procedures governing the caseflow process, readily available to Magistrates, the Court's staff and bar members

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	3 100.0%	3 100.0%	0 0.0%	1 100.0%	3 60.0%	10 76.9%
Exist for every area	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 20.0%	2 15.4%
Exist for some areas	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *There are published policies and procedures governing the caseload process, readily available to Magistrates, the Court's staff and bar members;* eight or 76.9% of the respondents to the survey said No, which was the modal answer. ‘Exists for every area’ represented three or 15.4% of the responses to Question 11. Only one or 7.7% of the respondents to the survey indicated they ‘exist for some areas’.

Question 43. Mechanisms for obtaining the suggestions of Court staff about caseload management problems and potential improvements exist and are used by the court's leaders

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	3 100.0%	2 66.7%	1 100.0%	0 0.0%	5 100.0%	11 84.6%
Rarely	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 7.7%
Sometimes	0 0.0%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *Mechanisms for obtaining the suggestions of Court staff about caseload management problems and potential improvements exist and are used by the court's leaders;* 11 or 84.6% of the respondents to the survey said No, which was overwhelmingly the modal answer to question 43. The other possible answers; ‘Rarely’ and ‘Sometimes’ drew on response or 7.7% each.

Caseflow Management Procedures

Question 4. The Court counts every case as pending from the date that the defendant has been arrested or a summons is issued.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Very few categories of cases	0 0.0%	0 0.0%	1 100.0%	1 100.0%	0 0.0%	2 15.4%
More than some categories of cases	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Yes	3 100.0%	3 100.0%	0 0.0%	0 0.0%	3 60.0%	9 69.2%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court counts every case as pending from the date that the defendant has been arrested or a summons is issued*, nine or 69.2% of the respondents to the survey said Yes, which was the modal answer. ‘Very few categories of cases’ represented two or 15.4% of the responses to Question 4. Only one or 7.7% of the respondents to the survey offered no response to this question.

Question 60. How frequently are cases that have been scheduled for trial or hearing adjourned because there are more ready cases than can be dealt with on the scheduled date?

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
Very frequently	1 33.3%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	2 15.4%
Frequently	0 0.0%	2 66.7%	1 100.0%	0 0.0%	1 20.0%	4 30.8%
Occasionally	0 0.0%	1 33.3%	0 0.0%	1 100.0%	1 20.0%	3 23.1%
Rarely	2 66.7%	0 0.0%	0 0.0%	0 0.0%	2 40.0%	4 30.8%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the question: *How frequently are cases that have been scheduled for trial or hearing adjourned because there are more ready cases than can be dealt with on the scheduled date?* Four or 30.8% of the respondents to the survey said ‘Frequently’. Further, ‘Rarely’ also represented four or 30.8% of the responses to Question 60. Two or 15.4% of the respondents to the survey said ‘Very Frequently’.

Judicial Commitment

Question 6. There is a commonly shared commitment, on the part of the magistrates, to the principle that the Court has responsibility for ensuring expeditious case processing.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Very few Magistrates are committed	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 7.7%
Some Magistrates are committed	3 100.0%	2 66.7%	1 100.0%	0 0.0%	1 20.0%	7 53.8%
Many Magistrates are committed	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Virtually all Magistrates are committed	0 0.0%	1 33.3%	0 0.0%	0 0.0%	2 40.0%	3 23.1%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *There is a commonly shared commitment, on the part of the magistrates, to the principle that the Court has responsibility for ensuring expeditious case processing;* seven or 53.8% of the respondents to the survey said Some Magistrates are committed, which was the modal answer. It is interesting to note here that all three of the responding Magistrates fell into this category. ‘Virtually all Magistrates are committed’ represented three or 23.1% of the responses to Question 6. Only one or 7.7% of the respondents to the survey offered no response to this question.

Question 38. The Magistrates recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	1 33.3%	0 0.0%	0 0.0%	1 20.0%	2 15.4%
No	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
Few Magistrates recognized the need	0 0.0%	0 0.0%	0 0.0%	1 100.0%	1 20.0%	2 15.4%
Some Magistrates recognize the need	1 33.3%	2 66.7%	0 0.0%	0 0.0%	1 20.0%	4 30.8%
Most Magistrates recognize the need	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 40.0%	2 15.4%
Yes	2 66.7%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 15.4%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Magistrates recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing*; four or 30.8% of the respondents to the survey said Some Magistrates recognized the need', which was the modal answer. It is interesting to note here that only one of the responding Magistrates fell into this category and the other two said 'Yes'.

Staff involvement

Question 19. Judicial support staff notify the Magistrates of cases that have been pending for long periods of time and cases in which there have been repeated adjournments.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	3 100.0%	2 66.7%	1 100.0%	0 0.0%	4 80.0%	10 76.9%
Some	0 0.0%	1 33.3%	0 0.0%	1 100.0%	0 0.0%	2 15.4%
Yes	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *Judicial support staff notify the Magistrates of cases that have been pending for long periods of time and cases in which there have been repeated adjournments*; 10 or 76.9% of the respondents to the survey said No, which was once more the modal answer. ‘Some’ represented two or 15.4% of the responses to Question 19. Only one or 7.7% of the respondents said ‘Yes’ to this question.

Question 28. The Court has a central staff unit that regularly monitors the caseload, identifies problems (e.g. pending caseload increasing; certain cases taking unduly long), and provides recommendations for action to the chief magistrate or senior magistrate.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	3 100.0%	1 33.3%	0 0.0%	1 100.0%	4 80.0%	9 69.2%
Very few	0 0.0%	2 66.7%	1 100.0%	0 0.0%	0 0.0%	3 23.1%
Some central staff monitoring occasional recommendations	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has a central staff unit that regularly monitors the caseload, identifies problems (e.g. pending caseload increasing; certain cases taking unduly long), and provides recommendations for action to the chief magistrate or senior magistrate*; 9 or 69.2% of the respondents to the survey said No, which was once more the modal answer. ‘Very few’ represented three or 23.1% of the responses to Question 28. Only one or 7.7% of the respondents said ‘Some central staff monitoring occasional recommendations’ to this question.

Educational Training

Question 8. The Court regularly conducts training on caseflow management principles and techniques for Magistrates and staff.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No training	1 33.3%	1 33.3%	0 0.0%	0 0.0%	3 60.0%	5 38.5%
Very little training conducted	0 0.0%	1 33.3%	1 100.0%	0 0.0%	1 20.0%	3 23.1%
Some training conducted irregularly	2 66.7%	1 33.3%	0 0.0%	1 100.0%	1 20.0%	5 38.5%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court regularly conducts training on caseflow management principles and techniques for Magistrates and staff*; 5 or 38.5% of the respondents to the survey said ‘No training’, ‘Very little training conducted’ represented three or 23.1% of the responses to Question 8. Five or 38.5% of the respondents said ‘Some training conducted irregularly’ to this question.

Question 30. The Court has a standard orientation programme for new Magistrates and new staff members, in which the Court's policies and expectations regarding caseload management are covered thoroughly.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	2 66.7%	2 66.7%	0 0.0%	1 100.0%	3 60.0%	8 61.5%
Very little during orientation	1 33.3%	1 33.3%	1 100.0%	0 0.0%	0 0.0%	3 23.1%
Some orientation	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Yes through orientation	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has a standard orientation programme for new Magistrates and new staff members, in which the Court's policies and expectations regarding caseload management are covered thoroughly*; 8 or 61.5% of the respondents to the survey said No, which was the modal answer. ‘Very little during orientation’ represented three or 23.1% of the responses to Question 30. Only one or 7.7% of the respondents said ‘Yes through orientation’ to this question.

Mechanisms for Accountability

Question 9. The Court has established and uses a system evaluating the effectiveness of Magistrates in handling the portions of the court's total caseload for which they have responsibility.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
No	3 100.0%	2 66.7%	0 0.0%	1 100.0%	1 20.0%	7 53.8%
Little criteria exists	0 0.0%	0 0.0%	1 100.0%	0 0.0%	1 20.0%	2 15.4%
Some criteria exists	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Yes	0 0.0%	1 33.3%	0 0.0%	0 0.0%	1 20.0%	2 15.4%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has established and uses a system evaluating the effectiveness of Magistrates in handling the portions of the court's total caseload for which they have responsibility*; seven or 53.8% of the respondents to the survey said No, which was again the modal answer. ‘Two or 15.4% of the respondents said ‘Little criteria exists’ to Question 9. Only two or 15.4% of the respondents said ‘Yes’ to this question.

Question 45. Magistrates whose performance in managing the caseloads for which they are responsible is below acceptable standards are provided with assistance and receive negative sanctions if their performance does not improve.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	0 0.0%	2 66.7%	0 0.0%	0 0.0%	2 40.0%	4 30.8%
No	3 100.0%	1 33.3%	0 0.0%	1 100.0%	2 40.0%	7 53.8%
Rarely	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
Sometimes	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *Magistrates whose performance in managing the caseloads for which they are responsible is below acceptable standards are provided with assistance and receive negative sanctions if their performance does not improve*; seven or 53.8% of the respondents to the survey said No, which was again the modal answer. It is again interesting to note that all three of the Magistrates that participated said ‘No’ four or 30.8% of the respondents to Question 45 did not offer a response to this question.

Backlog Reduction / Inventory Control

Question 10. The Court has a few or no cases pending for more than the maximum length of time established by its own case-processing time standards or alternatively the ABA case-processing time standards

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No response	2 66.7%	1 33.3%	0 0.0%	0 0.0%	1 20.0%	4 30.8%
Don't know	0 0.0%	1 33.3%	0 0.0%	1 100.0%	3 60.0%	5 38.5%
Many cases than the court's(or ABA's) time standards	1 33.3%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	2 15.4%
About 30% are older	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
No cases or only a few are over the standards	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court has a few or no cases pending for more than the maximum length of time established by its own case-processing time standards or alternatively the ABA case-processing time standards*; five or 38.5% of the respondents to the survey said ‘Don’t Know’, which was once more the modal answer. ‘No Response’

represented four or 30.8% of the responses to Question 10. Only one or 7.7% of the respondents said ‘No cases or only a few are over the standards’ to this question.

Question 46. The Court follows established procedures to identify inactive cases and bring them to disposition.

	Type of respondent					Total
	Magistrate	COP	Prosecutor	Area Court	Other Stakeholders	
No	2 66.7%	1 33.3%	0 0.0%	1 100.0%	3 60.0%	7 53.8%
Rare reviews and purges of inactive cases	0 0.0%	0 0.0%	1 100.0%	0 0.0%	0 0.0%	1 7.7%
Occasional reviews and purges of inactive cases	0 0.0%	2 66.7%	0 0.0%	0 0.0%	1 20.0%	3 23.1%
Often there are reviews and purges of inactive cases	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 20.0%	1 7.7%
Yes-regular reviews are done and purge procedures followed	1 33.3%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 7.7%
Total	3 100.0%	3 100.0%	1 100.0%	1 100.0%	5 100.0%	13 100.0%

In response to the statement: *The Court follows established procedures to identify inactive cases and bring them to disposition*; seven or 53.8% of the respondents to the survey said ‘No’, which was once more the modal answer. ‘Occasional reviews and purges of inactive cases’ represented three or 23.1% of the responses to Question 46. Only one or 7.7% of the respondents said ‘Yes-regular reviews are done and purge procedures followed’ to this question.

CONCLUSIONS AND RECOMMENDATIONS

This study confirms that the current performance of the Trinidad Tobago Magistrates Courts falls far below widely accepted case processing time standards. Clearly there is a culture of adjournments and delay that affects the ability of the magistrates' court to effectively process criminal cases. Without a doubt adjournments contribute to delay in the Magistrates Courts system wide. Further the courts are not organized or resourced to actively manage cases that are brought before them. In addition, the responsibility for ensuring the readiness of parties to the court matters falls under the jurisdiction of agencies external to the court and the progress of the cases is currently dependent to a large extent to their driving of the process.

The Adjournment Culture

The data in Table 7 highlights the fact that a significant number, 37.9%, of the sample matters were addressed at the first hearing and without any adjournments. However, the effect of adjourning the remaining matters on more than two occasions has a compounding effect on the lists of magistrates given the number of times the matters subsequently come up for hearing. While 57.3% of matters sampled had two or less adjournments, this occupied approximately 17% of the courts time. Those matters which had between three and nine adjournments (29.2%), occupied approximately 30% of the courts time, while those matters, which had ten or more adjournments (13.5%), occupied approximately 53% of the courts time. A reduction in adjournments can allow the court more time to actively manage its cases and allow for the conduct of trials and preliminary hearings. With the utilization of the Audio Digital Court Recording System at trials and

preliminary enquiries, the non-value added activities, which currently occupy the courts time, would give way for more meaningful case events.

The case tracking data also reveal that 52.6% of the reasons documented for the adjournment of matters relate to the non-appearance of parties. A further review of Table 12 reveals that 9.6% of indictable matters were dismissed due to constant adjournments while 20.9% of summary matters fall under this similar fate. The dismissal of 13.1% of all matters surveyed could be attributed to the delays experienced in the system. The percentage of dismissals due to frustration of the court is high and warrants further investigation, reporting and correction.

The unavailability of documented information with regard to reasons for adjournments reveal the need for the court to ensure that more detailed recording of events takes place to allow for analysis and identification of problems in the processing of cases.

Caseflow Management and Case Processing

A review of the current workflow and case progression in the Magistracy, together with the answers to questions on goals and leadership, highlight the need to include time standards for the conduct of various activities and to refine the construction of events that take place to ensure that meaningful action takes place at each stage of the process. Proper scheduling of cases together with efficient notification procedures may assist the court in having more manageable court lists on a daily basis.

While there is agreement that some magistrates are committed to ensuring expeditious case processing, the analysis of survey questions 1, 2, 11, 29, 35, 43 show the courts' inability to set and communicate goals and share information internally and

externally about performance expectation and results. Without the setting of goals and performance standards the court will continue to be too responsive to external parties and facilitate adjournment requests. Consideration should be given to abolishing the current practice of having all parties to a matter be present in court at 9:00 a.m. and matters should be short scheduled in specific time slots during the day.

The existing legislation for processing indictable and summary matters currently provide for most administrative procedures. The inclusion of administrative provisions in legislation makes it cumbersome for the court to make changes to procedures that it may want to implement. This impacts the development and implementation of new and needed software and information technology and generally constrains thinking about case processing improvements.

Court Organization and Leadership

Although the target group for the court assessment survey was small, the results highlight the need for the survey to be repeated for each court location. The survey should be conducted in a workshop setting where the results can be interrogated more closely and discussion held with the survey participants. The analysis of the responses received to questions 1, 5, 29 and 41 from the court assessment questionnaire speaks to the lack of leadership and the non-existence of standards and goals in the magistrates' courts.

In addition, there seems to be little collaboration between staff and magistrates with regard to the management of the courts' caseload and other areas of the courts operations when one examines questions 19, 28 and 43.

There is general agreement that the level of accountability by the court, for its operation, is very low and this is one of the areas that must also be addressed. It is expected that the increase in the production and reporting of court statistics and the introduction of court performance measurement will provide the mechanism for accountability and collaboration between the judicial officers and the court support staff.

Court Support Services

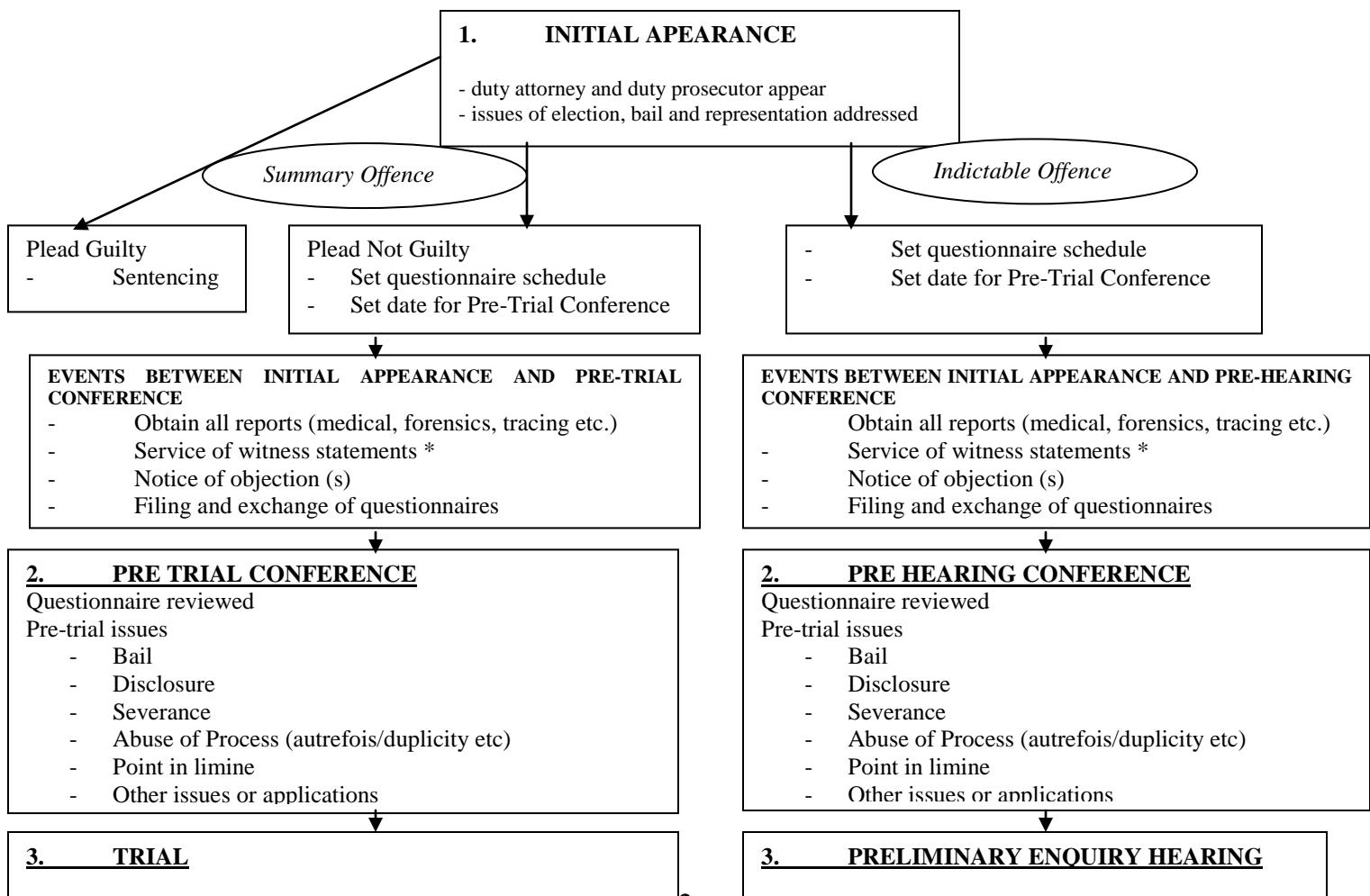
The non-existence of a Case Management Information System has hindered the ability of the court to properly determine its pending caseload and actively manage the cases initiated. The current initiatives of the Department of Court Administration with regard to developing the court's research capabilities and information technology should be supported and developed. The data provided in this study could not have been collected and presented in the timeframe required without the additional staff recently recruited for the Court Statistical Unit. The limited introduction of audio digital recording technology in the magistrates' courts has also thus far also yielded positive results.

The low rating given by participants to the education and training opportunities raises concern given the number of case management education programmes that are conducted annually. This must be explored further to ascertain whether the programme content is meeting the needs of the court system, whether the mode of delivery is effective and whether exposure is given to the right target group.

RECOMMENDATION 1: EARLY AND CONTINOUS CONTROL

A proposed case flow was produced in collaboration with a committee formed to implement measures to expedite the processing of special high profile criminal trials, and which includes all stakeholders in the criminal justice sector. This flow is reproduced below and is recommended for adoption to ensure early and continuous control by the court and as a basis for setting realistic timeframes between events. The introduction of the three main events is intended to produce earlier case disposition by ensuring that discovery takes place early in the process, documents are exchanged and pre-trial issues and objections are identified. It is proposed that from initiation to sentencing or committal no more than nine months should elapse.

Proposed flow for criminal matters in the Magistrates' Court



RECOMMENDATION 2: STANDARDIZED PROCEDURES, OPERATING GUIDELINES AND DEVELOP CASE MANAGEMENT RULES

It is important that the Judiciary introduce standardized procedures and rules to regulate the progress of criminal matters in the Magistrates' Court. These procedures should provide for:

- realistic case processing time standards and goals;
- early court intervention and court control of the process by creating meaningful court events – early disclosure, exchange of documents and filing of objections;
- strict adjournment policies;
- case assignment and court calendaring policies;
- case centred records management systems
- access to the court outside of the formal courtroom to address applications for administrative decisions affecting the case to be made outside of the formal court – through the use of information and communication technology; and
- the recording of pertinent data to enable the court to properly manage cases.

Along with this initiative it will be necessary to develop, implement and monitor, standardize court forms, provide desk procedure manuals, bench books and other court policy documents. An existing committee is in the process of developing draft rules for special high profile criminal matters and it is recommended that a committee comprising

magistrates, staff, administrators and key stakeholders in the wider magistrates' court discuss and refine these rules to be utilised as a part of the pilot project referred to below.

RECOMMENDATION 3: BUILDINGS AND TECHNOLOGY INFRASTRUCTURE

The Department of Court Administration must further refine the requirements for the magistrates' court case management information system, customise and introduce the Judicial Enforcement Management System (JEMS), the Case Management Information Software.³³ The software must allow for inter-agency database collaboration and the court must provide the supporting communication infrastructure. The court must also fine tune the procedures for use and operation of this software in collaboration with the Audio Digital Court Recording System.

The use of video conferencing facilities should be explored for use between courts and the prison to deal with issues of bail and continuous remand hearings instead of requiring that all parties attend court every ten days, within which time case preparation does not usually occur. This system could also accommodate witness who may not be able to attend court due to their absence from the jurisdiction.

The current programme of court refurbishment should be expedited and, strategies employed to ensure the provision of purpose built magistrates court facilities.

RECOMENDATION 4: REGULAR INFORMATION REPORTS

The court must define early the statistical reports that may be required by the various categories of judicial administrators to make evidence based decisions. The

³³ Judicial Enforcement Management Software (JEMS) has been acquired for the Magistracy and is in the process of being customised

inclusion of the fields of information which would allow administrators to access critical data to evaluate all areas of the court performance standards and individual performance should be addressed in the case management information software. The inclusion of these fields for data entry would encourage proper recording of vital information on the progression of cases throughout the court system

Periodic reports on the performance of the individual courts as well as the entire district should be provided for the review of the local district court management and review committee. This information should be published on an annual basis showing any improvements made in the processing of cases, the success of process improvement measures and other measures to be introduced.

**RECOMMENDATION 5: SPECIALIST STAFF POSITIONS,
SYSTEMATIC TRAINING AND HUMAN RESOURCE CAPACITY
BUILDING**

It is necessary to revisit the support staffing structure of the magistracy to create positions that reflect the courts' control of the progress of cases in the system. The change of designation of court office personnel from Clerks to Case Management Officers, Liaison Officers, Monitoring and Consequential Activities Officers for example, can create that distinction. It is recommended that a rigorous recruitment, orientation and training exercise be conducted to ensure the best fit of persons for the positions. Given that a change in culture is being proposed, it may be necessary to create a mix of existing and new employees with the support system to reinforce new behavioural and operational procedures and to encourage the new culture of efficiency and accountability.

A structured programme for recruitment and training, legal and judicial education and support programmes for magistrate, staff and participants in the criminal justice sector should be developed.

The Judicial Education Institute of Trinidad and Tobago should be engaged to plan and facilitate a comprehensive training programme over the next year to re-orient the magistracy on its new role and function of controlling the pace of litigation in the criminal justice sector. The training programme should be continuous and workshops developed to include new procedures and processes, use of new technology, caseflow management practices, court control, leadership and administration, court performance standards and setting and maintaining case processing time-standards,. A mixture of continuing education and practice including exposure to case management, orientation to the magistracy and its processes, and social context and communication training is necessary.

The magistrate should also be prepared for the basic elements of adjudicatory chairmanship, the elements of court orders. The introduction of new procedures, staffing and technology present an excellent opportunity to engage the entire magisterial establishment in retooling, retraining and preparation for the journey of continuing education.

RECOMMENDATION 6: DISTRICT COURT LEADERSHIP TEAM AND PERFORMANCE REVIEW COUNCIL

It is recommended that a position of Court Manager be created in each district to see to the day to day management of the non-judicial administration of the court and that

this functionary work closely with the Magistracy Registrar³⁴ and sit on a local court district leadership team with the Senior Magistrate for the district, who would function somewhat as an “administrative judge”. This team should also sit with the various justice system partners periodically as a performance review council chaired by chaired by the Senior Magistrate. The Senior Magistrate would work closely with the Magistracy Registrar and Court Manager to ensure the proper administration of justice in that local court district. This leadership team should have a reporting function to the Court Executive Administrator, Chief Magistrate and the Chief Justice and be responsible for conducting a case management review on a quarterly basis.

The council should have regular interaction as needed to de-bottleneck problems that are identified in the processing of criminal matters in the district.

RECOMMENDATION 7: PILOT PROJECT

It is recommended that the proposed caseflow management initiatives described above be tested in a well-resourced pilot project to be set up in the Scarborough Magistrates Court. It is expected that the current caseload for this court and its distinct culture will allow the judiciary to adequately test new rules, systems, procedures, technology, administrative structures, staffing and training requirements without much displacement to the magistrates’ court system.

RECOMMENDATION 8: CRIMINAL JUSTICE PARTNERSHIP

It is recommended that a dedicated team of senior professionals selected from the various court and justice sector agencies sit for a nine month period, possibly with

³⁴ The position of Magistracy Registrar is currently being created by the Judiciary to provide legally trained personnel to perform the legal and judicial administrative functions required in the court office

additional specialist expertise to develop an implementation plan, strategies and other required documentation, e.g. drafts of legislative amendments, to allow for the redesign of the criminal case processing system at the magistrates' court level. The evaluation results produced from the Pilot Project would inform this redesign.

General

The expressions of dissatisfaction being voiced by the various sectors of the country with the operation of the criminal justice sector present an excellent opportunity for change. The introduction of the new rules of procedure, new staffing structures, information and communication technology, administration and managerial systems, purpose built buildings and facilities and creation of the communication infrastructure to allow for effective collaboration between the various stakeholder agencies in the justice sector can create the enabling environment to change the culture in the magistracy. It is not expected that the results will occur immediately, but the benefits to be derived from a well monitored pilot project which has dedicated resources can create the buy in and enthusiasm for the change that is required.

BIBLIOGRAPHY

American Bar Association, "Standards Relating to Trial Courts," 1992 Edition. Chicago: American Bar Association, 1992.

American Bar Association, "Standards Relating to Court Organisation," 1974 Edition.

Baar, Carl (1974). "Will the Courts Survive the War on Crime?" *The Potential for Reform of Criminal Justice*. Sage, 1974.

Bureau Of Justice Assistance, "Differentiated Case Management: Implementation Manual". June 1993.

Caseflow Management Coordinating Committee, "Final Report And Recommendations To The Michigan Supreme Court". June 1997.

Deosaran, Ramesh *Caribbean Journal of Criminology and Social Psychology*. University Printers. 1998.

Dunlap-Miller, L, "Managing Change In A Criminal Division A Focus On Decentralization And Team Concept". Institute for Court Management Court Executive Development Program Phase III Project. 1996.

Fiadjoe, Albert, *Alternative Dispute Resolution: A Developing World Perspective*. Cavendish Publishing, 2004.

Gallas, Geoff "The Conventional Wisdom of State Court Administration: A Critical Assessment and an Alternative Approach," *The Justice System Journal*. Spring. 1976.

Longman Dictionary of Contemporary English, 1978

Mahoney, B, Holly Bakke and Antoinette Bonacci-Miller, *Criminal Caseflow Management Improvement in the Hudson County Superior Court (Jersey City, NJ), May 1989- January 1992*. National Center For State Courts. 1992.

NACM Core Competency Curriculum Guidelines: "What Court Leaders Need to Know and Be Able to Do", Court Manager 18, no. 2

National Centre for State Courts. "CourTools, National Center for State Courts", 2005

Ostrom, Brian J., and Roger A. Hanson, (1999). *Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts*. National Center for State Courts.

Pound, Roscoe, "The Causes of Popular Dissatisfaction with the Administration of Justice," American Bar Association Reports 29, 1906.

"Reducing Time To Disposition In Criminal Cases By Consolidating Events And Reducing Appearances". Inloes, James E., Phase III Project May 4, 1993.

"Report Of the Committee Established to Consider, (i) Measures Which Can Be Adopted to Shorten Criminal Trials in the Assize And Magistrates' Courts, and (ii) A Proposal for Setting Up A Remand Court Within the Vicinity Of the Golden Grove Prison". February 2003.

Simon, Herbert "Some Problems of Administrative theory," from *Administrative Behaviour, Third Edition*. Free Press. 1976.

Steelman, David, John Goerdt and James Mc Millan, *Caseflow Management: The Heart of Court Management in the New Millennium*. National Center For State Courts. 2002.

"Tourism Development Corporation: Country Profile".

http://www.tdc.co.tt/country_profile.htm; accessed February 15, 2007.

"Tourism Development Corporation: Country Profile".

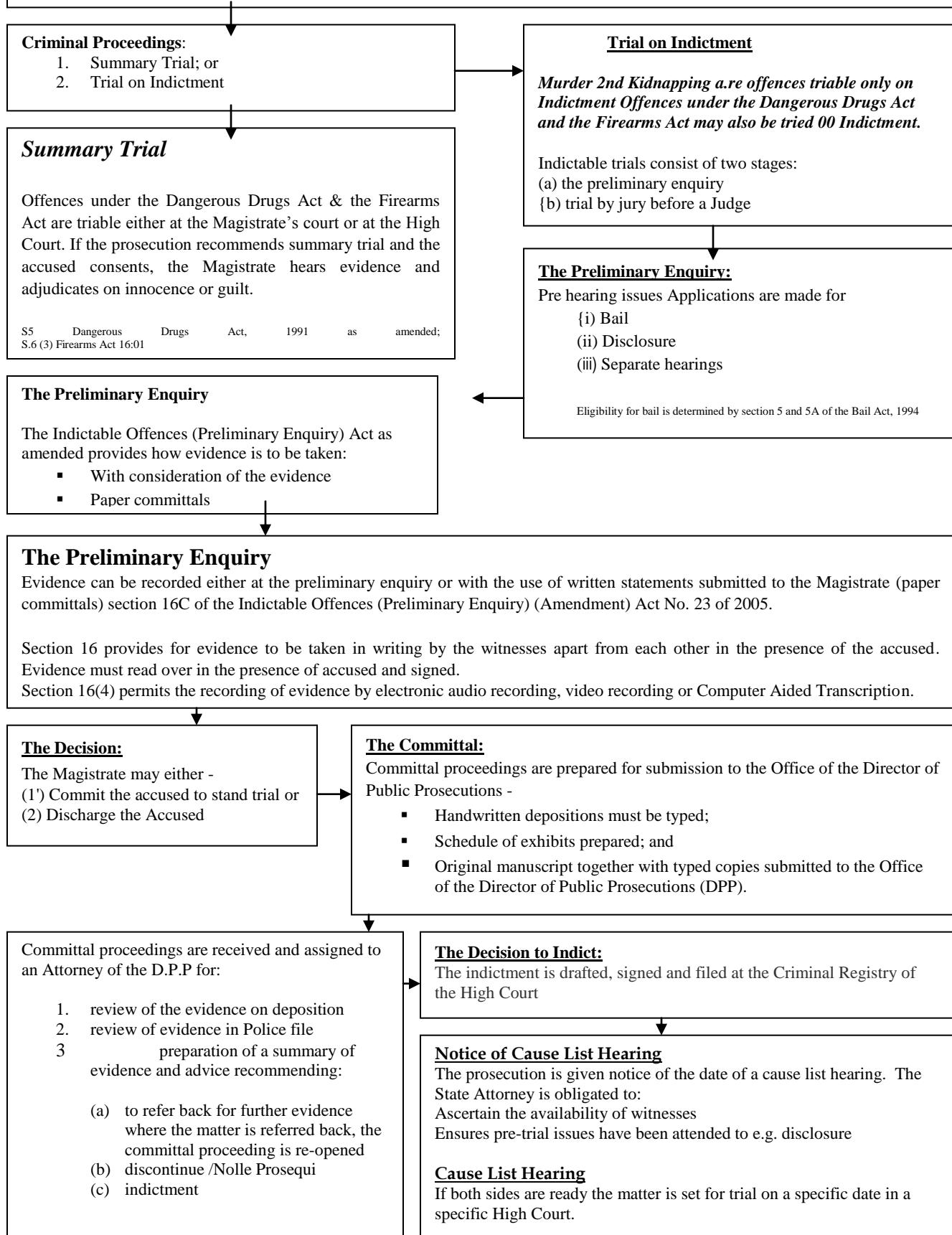
http://www.tdc.co.tt/our_people.htm; accessed February 15, 2007;

Vision 2020 – Report of the Administration of Justice Sub-Committee Report 2004

Zoller, Norman E. "Courts Technical Assistance Study Guide: Caseflow Analysis". Criminal Courts Technical Assistance Project. 1980.

Flowchart of Criminal Proceedings in the Magistracy

Police conduct investigations and submit Case Docket containing evidence (statements and certificates of analysis etc.) to the Office of the Director of Public prosecutions (DPP), where the evidence is reviewed and a decision taken to charge or defer for further investigation. If proceedings have already been instituted, the evidence is reviewed to determine whether the charge is viable and/or needs to be amended. In **exceptional cases**, the file is retained and a prosecutor appears at the first hearing.



Job Description - Clerk of the Peace

Kind of Work

Administrative work directing the functions of a small Magisterial Office or assisting in directing the functions of a large magisterial office and statutory duties as a Clerk of the Peace.

Distinguishing Features of Work

An employee in this class is responsible for the administration of a small office of a Magisterial District or assisting a superior in the administration of a large magisterial office. Work involves the supervision of a lower level officers engaged in responsible clerical and statutory functions as well as a small group of employees engaged in clerical work. The employee also serves as Clerk of the Peace and ex-officio, as a Justice of the Peace. Work includes giving guidance to members of the public who are without the benefit of professional legal advice. The statutory duties are performed within the framework of the laws and the advice of a superior is available in the handling of difficult problems. Special assignments may be received orally or in writing from a Magistrate or superior and the work is subject to his general supervision and review.

Examples of Work

- Plans, assigns and reviews the work the of a small group of subordinates engaged in a wide variety of personnel, facial and other related duties in a small magisterial office; or assists in planning, assigning and reviewing the work of a large group of subordinate employees in a large magisterial office;
- Performs a wide variety of statutory duties as Clerk of the Peace, and Ex-officio as a Justice of the Peace; signs complaints and issues, summonses and warrants of arrest; checks and certifies appeals proceedings for transmissions to the Court of Appeal; fixes and grants bail; keeps custody witnesses confessions;
- Interviews members of the public who are unable to hire professional legal advice and are seeking guidance on problems confronting them, which involve existing laws; advises them on the nature of the charges and complaints that should be

filled for hearing in the Court; drafts or directs the drafting of the complaints and signs them;

- As Secretary of the Licensing Committee, performs a variety of statutory licensing duties under the liquor Licenses Ordinance, the Registration of Clubs Ordinance and related regulatory licensing laws; and
- Performs related work as may be required.

Required Knowledge, Skills and Abilities

- Considerable knowledge of government office procedures including personnel, finance and reporting;
- Knowledge of the criminal and civil laws and regulations of the country;
- Knowledge of court procedure;
- Ability to plan and supervise the work of a small office staff in a Magisterial District;
- Ability to perform duties of a law enforcement nature fearlessly and impartially;
- Ability to interpret, express and apply departmental policies and procedures clearly and to give guidance of a semi-legal nature and;
- Ability to establish and maintain effective relationships with other employees and the public.

Minimum Experience and Training

Considerable experience in court procedures and practices as may have been gained in the next lower class and training as evidenced by General Certificate of Education comprising Ordinary Level passes in five subjects; or any equivalent combination of experience and training.

Magistracy Criminal Case Data Collection Form

Question Number	Description	Information
1	Court case number	
2	Defendant's name	
3	Offence for which charged (Most serious charge if more than one charge)	
4	Number of other charges	
5	Number of persons charged	
6	Date Bail granted, if applicable	
7	Date Bail secured, if applicable	
8	Original arrest date mo-day-yr	
9	First court appearance mo-day-yr	
10	Date information filed mo-day-yr	
11	Date of hearing on information mo-day-yr	
12	Date case disposed mo-day-yr	
13	Date of sentencing mo-day-yr	
14	Number of trial date resets	
15	Number of adjournments during case	
16	Reasons for adjournments (show percentages where more than one adjournment for the same reason)	
17	Who was application for adjournment made by	
18	Type of disposition	
19	Court location	



APPENDIX IV

JUDICIARY OF TRINIDAD AND TOBAGO
THE DEPARTMENT OF COURT ADMINISTRATION
Hall of Justice, Knox Street, Port of Spain
TEL: (868) 62-TTLAW (628-8529) Ext: 2384 Telefax: (868) 624-8537

December 18, 2006

Ms. Zorina Ali-Dan
Area Court Manager, North
St. George West Magistrates' Court
St. Vincent Street
Port of Spain

Dear Ms. Ali Dan,

RE: Case Flow Management Survey for Stakeholders in the Criminal Justice System

I am preparing a research paper to explore the extent to which caseflow management concepts and principles are utilized in the criminal jurisdiction of the Magistrates' Court. I am also exploring the extent to which caseflow management concepts can assist the Department of Court Administration in dealing with the culture of adjournments and the delays in the magistrates' court system. This research project will be utilized to assist the Judiciary in developing some of the reform initiatives required for implementation in the Magistrates' Court.

I have attached a Court Assessment Questionnaire to be completed by various stakeholders who operate in the criminal jurisdiction of the Magistrates Court in Trinidad and Tobago. I would appreciate if you could facilitate the conduct of this survey by distributing copies of the questionnaire to the following categories of persons at your court facility and returning copies of the results to my office by January 9, 2007:

- Magistrates (3)
- Clerks of the Peace (2)
- Court Registry Staff (3)
- Police Prosecutors (2)
- Attorneys practicing in the Magistrates' Court (2)

It is expected that the results of the initial research findings will be presented to the participants to facilitate further discussion on the perceptions garnered from the surveys.

I look forward to your support in administering this survey. Please do not hesitate to contact me if there is any need for clarification.

Yours faithfully,

Jerome R. Mark
Deputy Court Executive Administrator



JUDICIARY OF TRINIDAD AND TOBAGO
THE DEPARTMENT OF COURT ADMINISTRATION
Hall of Justice, Knox Street, Port of Spain
TEL: (868) 62-TTLAW (628-8529) Ext: 2384 Telefax: (868) 624-8537

December 18, 2006

Mr. Arnold Sealy
Area Court Manager, South/Central
Couva Magistrates' Court
Church Street
Off Southern Main Road
Couva

Dear Mr. Sealy,

RE: Case Flow Management Survey for Stakeholders in the Criminal Justice System

I am preparing a research paper to explore the extent to which caseflow management concepts and principles are utilized in the criminal jurisdiction of the Magistrates' Court. I am also exploring the extent to which caseflow management concepts can assist the Department of Court Administration in dealing with the culture of adjournments and the delays in the magistrates' court system. This research project will be utilized to assist the Judiciary in developing some of the reform initiatives required for implementation in the Magistrates' Court.

I have attached a Court Assessment Questionnaire to be completed by various stakeholders who operate in the criminal jurisdiction of the Magistrates Court in Trinidad and Tobago. I would appreciate if you could facilitate the conduct of this survey by distributing copies of the questionnaire to the following categories of persons at your court facilities and returning copies of the results to my office by January 9, 2007:

- Magistrates (4)
- Clerks of the Peace (3)
- Court Registry Staff (5)
- Police Prosecutors (3)
- Attorneys practicing in the Magistrates' Court (3)

It is expected that the results of the initial research findings will be presented to the participants to facilitate further discussion on the perceptions garnered from the surveys.

I look forward to your support in administering this survey. Please do not hesitate to contact me if there is any need for clarification.

Yours faithfully,

Jerome R. Mark
Deputy Court Executive Administrator

COURT ASSESSMENT QUESTIONNAIRE*
CEDP PHASE III
Survey Instrument 1
(Form C-1)

Instructions: 1. Score the court on each of the following sixty-five (65) question. If you are uncertain, use your best estimate.

1. The court has adopted time standards that establish expected outside limits on case-processing time from filing to disposition, for major categories of cases.

1

2

3

4

5

No standards or guidelines	Informal guidelines exist	Yes- - written standards have been adopted and published
----------------------------	---------------------------	--

2. Magistrates who have responsibility for all or part of the caseload regularly receive management information reports that enable them to know the number of pending cases for which they are responsible, the distribution of these cases by age since filing, and status of each case.

1

2

3

4

5

No	some information provided regularly	yes- - all of this information is regularly provided (at least monthly)
----	-------------------------------------	---

3. When new caseflow management programs or procedures are being considered, the court's leaders consult with leaders of other organizations that may be affected (e.g., bar, police service, prisons service, probation, prosecutor, legal aid).

1

2

3

4

5

No	Sometimes	Yes, as a Standard policy
----	-----------	---------------------------

4. The court counts every case as pending from the date that the defendant has been arrested or a summons is issued.

1

2

3

4

5

No	Some categories of cases	Yes
----	--------------------------	-----

5. The Senior Magistrate of the district has established and/or endorsed the court's case-processing time standards.

1

2

3

4

5

No

Quiet support,
within the court

yes, publicly and
emphatically

6. There is a commonly shared commitment, on the part of the magistrates, to the principle that the court has responsibility for ensuring expeditious case processing.

1

2

3

4

5

No shared
commitment

some magistrates
are committed

virtually all magistrates
are committed

7. Members of the magistrates' support staff are knowledgeable about caseflow management principles and techniques, and use them in helping to manage caseloads and individual cases.

1

2

3

4

5

No

Some

Yes—virtually all are
knowledgeable and use
the principles and techniques

8. The Court regularly conducts training on caseflow management principles and techniques for magistrates and staff.

1

2

3

4

5

No training

Some training
conducted irregularly

Yes

9. The Court has established, and uses, a system evaluating the effectiveness of magistrates in handling the portions of the court's total caseload for which they have responsibility.

1

2

3

4

5

No

Some criteria exist

Yes

10. The court has a few or no cases pending for more than the maximum length of time established by its own case-processing time standards or, alternatively, the ABA case-processing time standards (see attached).

1

2

3

4

5

Don't know

Many cases
than the court's
(or ABA's) time
standards

About 30%
are older

10-15% are
over the standards

No cases or only
a few are over
the standards

11. There are published policies and procedures governing the caseflow process, readily available to magistrates, the court's staff, and bar members.

1	2	3	4	5
No	exist for some areas			Yes cover all major Caseflow issues/areas

12. The chief magistrate plays a leading role in initiating caseflow management improvements in the court.

1	2	3	4	5
No	Sometimes			Yes

13. The magistrates are aware of the court's case-processing time standards.

1	2	3	4	5
No standard exist	Some are aware			Yes—all magistrates

14. Magistrates have, or can readily obtain, all information necessary to know about the status of a case, its prior history in the court, and related cases involving the same parties.

1	2	3	4	5
No	Some information Usually available			Yes

15. Potentially protracted or complicated cases are identified early for special attention.

1	2	3	4	5
No	Sometimes			Yes, systematically

16. Consultation between magistrates and administrative staff about caseflow management policies and procedures occurs.

1	2	3	4	5
Rarely or never	Occasionally, mainly			Regularly

17. The senior magistrate of the district regularly receives and disseminates information on caseload status.

1	2	3	4	5
No	Sometimes			Yes

18. Assess the difficulty of an attorney obtaining an adjournment of a trial date or date for any scheduled hearing.

1	2	3	4	5
Easily obtained upon Request or stipulation	Attorney must show cause, but request is usually granted		Can be obtained only on written request/motion and Showing of substantial cause	

19. Judicial support staff notify the magistrates of cases that have been pending for long periods of time and cases in which there have been repeated adjournments.

1	2	3	4	5
No		Some		Yes

20. Magistrates attend seminars on caseflow management and related topics.

1	2	3	4	5
No		Some magistrates attend, no standard court policy sessions periodically		Yes—all magistrates are expected to attend such

21. Magistrates who do an effective job of managing the caseloads for which they are responsible are publicly recognized for their good performance.

1	2	3	4	5
No		Sometimes		Yes

22. The court disposes of at least as many cases as are filed each year, in each category of criminal cases.

1	2	3	4	5
No filings consistently Exceed dispositions		Some years, in some categories of cases		Yes, consistently

23. The court's staff at all levels are aware of the court's case-processing time standards and other caseflow management goals.

1	2	3	4	5
There are no goals or standards		Some are aware	Top staff are aware	Yes

24. The court's record keeping system (including management information reports, whether automated or manual):

1	2	3	4	5
Impedes effective caseload management	Is not helpful	Has some helpful features	Is helpful	Greatly facilitates effective caseload management

25. Assess the structure and frequency of communications between the court's leaders and the bar concerning caseload management policies and practices.

1	2	3	4	5
No mechanisms; infrequent consultation	No mechanisms; occasional informal	Consultation as requested by court	Formal mechanisms occasional consultation	Formal mechanisms frequent consultation

26. Magistrates' commitment to effective caseload management is demonstrated by their actions in holding lawyers to schedules, limiting adjournments to situations in which good cause is shown, and allowing adjournments only for short intervals.

1	2	3	4	5
Generally, no		Inconsistent		
			Generally, yes	

27. The system of scheduling cases for trials and evidentiary hearings provides attorneys and the court with certainty that a case will be dealt with on the scheduled date.

1	2	3	4	5
Rarely	Less than half the time	50-70% of the time	70-90% of the time	90-100% of the time

28. The court has a central staff unit that regularly monitors the caseload, identifies problems (e.g., pending caseload increasing; certain cases taking unduly long), and provides recommendations for action to the chief magistrate or senior magistrate.

1	2	3	4	5
No		Some central staff monitoring occasional recommendations		
			Yes	

29. The court has time standards/guidelines governing the time interval between each major stage in the litigation process.

1	2	3	4	5
No		Guidelines cover some but not all intervals		
			Yes	

30. The court has a standard orientation programme for new magistrates and new staff members, in which the court's policies and expectations regarding caseflow management are covered thoroughly.

1	2	3	4	5
No	Some orientation			Yes, through orientation

31. The court has established, and uses, a system for evaluating the effectiveness of staff members in performing their duties with respect to caseflow management.

1	2	3	4	5
No	Some criteria exist			Yes

32. Magistrates who have responsibility for portions of the court's caseload periodically review the age and status of cases for which they are responsible.

1	2	3	4	5
Never	Occasionally			Yes, at least once a month

33. The senior magistrate of the district is widely regarded – by magistrates, staff, and others – as actively committed to reducing delays and implementing effective caseflow management procedures.

1	2	3	4	5
No	Mixed perceptions			Yes

34. The Court's caseflow management goals, and its performance in relation to the goals, are subjects of regular communication with the bar and media.

1	2	3	4	5
No	Sporadic communication			Yes

35. The court regularly produces reports that show trends in filings, dispositions, pending caseloads, and case processing times.

1	2	3	4	5
No	Some trend analysis			Yes – regular analysis of trends in all of these areas

36. The magistrates discuss the status of the caseload and other caseflow management issues at regularly held magistrates' meetings.

1	2	3	4	5
No		Sometimes		Yes

37. Consultation with attorneys, by a magistrate or court staff member, occurs early in a case, to set deadlines for completion of stages of the case.

1	2	3	4	5
No	Only if requested by attorney	Sometimes	Mainly in complex cases	Yes, in all cases

38. The magistrates recognize the need to monitor the pace of litigation and are actively committed to seeing the court meet standards for expeditious case processing

1	2	3	4	5
No		Some magistrates recognize the need		Yes

39. Magistrates' support staff provides help in achieving the court's goals (e.g., in contacts with attorneys, including scheduling cases for court dates).

1	2	3	4	5
No		Some		Yes

40. The court regularly conducts training sessions for practicing lawyers (especially young lawyers) to familiarize them with the court's caseflow management policies, procedures, and expectations.

1	2	3	4	5
No		Some training, Conducted irregularly		Yes

41. The senior magistrate meets with the magistrates in their districts to review the status of pending caseloads and discuss ways of dealing with common problems.

1	2	3	4	5
No		Occasionally		Yes, at least once a month

42. The court regularly produces management information reports that enable magistrates and staff to assess the court's progress in relation to its caseflow management goals.

1	2	3	4	5
No		Information available On some goals		Yes

43. Mechanisms for obtaining the suggestions of court staff about caseload management problems and potential improvements exist and are used by the court's leaders.

1	2	3	4	5
No		Occasionally	Yes, at least once a month	

44. Attorneys are ready to proceed on the scheduled trial date or hearing date.

1	2	3	4	5
Rarely	Less than half The time	50-70% of the time	70-90% of the time	90-100% of the time

45. Magistrates whose performance in managing the caseloads for which they are responsible is below acceptable standards are provided with assistance and receive negative sanctions if their performance does not improve.

1	2	3	4	5
No		Sometimes	Yes	

46. The court follows established procedures to identify inactive cases and bring them to disposition.

1	2	3	4	5
No	Occasional reviews And purges of inactive cases		Yes – regular reviews are done and “purge” Procedures are followed	

47. The senior clerk of the peace in the district is widely regarded – by magistrates, staff, and others as knowledgeable about caseload management principles and practices, familiar with the court's caseload situation, and effective in recommending and implementing policy changes.

1	2	3	4	5
No		Mixed perceptions	Yes	

48. The time required to complete case processing is generally within the time standards adopted by the court (or, if no standards have been adopted by the court, does not exceed the ABA case-processing time standards.)

1	2	3	4	5
Don't know	Many cases Over standards	Fair performance in relation to standards	Good performance some improvement Desirable	Yes – the court is consistently within the standards

49. Techniques for avoiding or minimizing attorney schedule conflicts are part of the scheduling system, and attorneys' schedules are accommodated to the extent reasonably possible.

1

2

3

4

5

Attorney schedule conflicts Are major problem	Sometimes techniques are used system could be improved on some goals	Techniques are uses and work well; no improvement needed
--	--	---

50. The court has adopted formal policies and procedures with respect to most or all areas of caseload management, and these policies are followed/enforced.

1

2

3

4

5

Few or no areas are covered by formal policies	Some formal policies rarely enforced	Some formal policies inconsistent enforcement	Most areas have formal policies; enforcement needs some improvement	Most areas covered by formal policies enforcement is consistent
--	--------------------------------------	---	---	---

51. Senior staff members regularly meet with magistrates in leadership positions to discuss caseload status and develop plans for addressing specific problems.

1

2

3

4

5

No

Occasionally

Yes

52. The senior magistrates of the district reviews information on the performance of magistrates in their divisions with respect to caseload management, give public recognition to those who are doing an outstanding job, and meet with those whose performance is subpar to discuss needed improvements.

1

2

3

4

5

No

Sometimes

Yes

53. The court has adopted goals for the frequency with which trials start on the scheduled date.

1

2

3

4

5

No

Informal expectations exist

Yes

54. Key management information reports are widely distributed to magistrates and staff, and include short written analyses the highlight problems and issues.

1	2	3	4	5
No	Limited distribution little analysis			Yes

55. The court provides information about its caseload management goals and about its performance in relation to these goals to the media on a regular basis.

1	2	3	4	5
No	Occasionally			Yes, regularly

56. Simple cases that may be amenable to swift disposition are identified at an early stage for special processing.

1	2	3	4	5
Never	Rarely	Sometimes; mainly If counsel requests	Some categories	Yes, routinely of cases

57. Court staff members attend seminars on caseload management and related topics.

1	2	3	4	5
No	Some staff members have such training			Yes – virtually all staff members periodically receive such training

58. The court has established goals for the maximum size of its pending caseload(s), and has developed plans for reducing its caseload to that number (or, if the current caseload is at an acceptable size, for ensuring that the caseload does not exceed the goal that has been set).

1	2	3	4	5
No	Some goals exist; status of plans unclear			Yes

59. The chief magistrate and/or senior magistrate for a district and the court administrator regularly meet to review caseload status, discuss policy and operational problems affecting caseload management, and develop specific policies and plans.

1	2	3	4	5
Rarely or never	Irregularly			Yes – at least once a week

60. How frequently are cases that have been scheduled for trial or hearing adjourned because there are more ready cases than can be dealt with on the scheduled date?

1	2	3	4	5
Very frequently	Frequently	Occasionally	Rarely	Never

61. Staff members who do an effective job of managing caseloads for which they are responsible are publicly recognized by the court's leaders for their good performance.

1	2	3	4	5
No		Sometimes		Yes

62. Discussions between senior magistrates and senior staff members in the court, concerning caseload management policies and procedures, occur:

1	2	3	4	5
Rarely		Occasionally		Regularly, and whenever needed

63. Every pending case on the court's docket has a "next action" date scheduled

1	2	3	4	5
Most cases do not have next action date scheduled	Approximately 10-20% of cases have no next action date scheduled	Approximately 20-40% of cases have no next action date scheduled	Almost all cases have a next action date scheduled	Yes

64. Magistrates conduct a trial management conference with attorneys, 5 to 21 days before the scheduled trial date, to resolve pending motions, determine what issues of law and fact are in dispute, and establish "ground rules" with respect to voir dire, witness scheduling, use of exhibits, and other issues likely to arise at trial.

1	2	3	4	5
No	Rarely	Some magistrates, in some cases	Most magistrates, in most cases	Yes, all magistrates, in all except very simple cases

65. The following caseflow management information is readily available and regularly used:
(Y=Yes; N=No)

<u>Available</u>	<u>Used</u>	<u>Information</u>
_____	_____	Number of pending cases, by case type
_____	_____	Age of pending cases (frequency distribution, within age categories)
_____	_____	Change in number and age of pending cases since last report or since previous year
_____	_____	Age of pending caseload compared to time standards
_____	_____	Age of cases at disposition, by case type
_____	_____	Percentage of trials starting on first scheduled trial date
_____	_____	Number of adjournments of scheduled events in each case
_____	_____	Reasons for each adjournment
_____	_____	Number and proportion of dispositions by type of disposition
_____	_____	Annual filings and dispositions, by case type