

## DCM PLAN FOR THE CRIMINAL DIVISION OF THE PARISH COURTS OF JAMAICA

### INTRODUCTION

#### What is Differentiated Case Management?

Differentiated Case Management (DCM) is a structured form of case-flow management; requiring case-tracks with time standards. It is a management approach for the tailoring of the case management process to the requirements of individual cases. Resulting in the processing of each case in accordance with the timeframe and resources required to move as expeditiously as possible toward disposition.

#### Why is DCM required?

The basic principle is based on the premise that because cases can significantly differ in the time required for fair disposition, not all cases make the same demands upon court and judicial resources, and as such need not be subject to the same processing requirements.

Under a DCM system cases do not wait for disposition based on when the casefile is deemed 'complete', or 'ready' by the parties; or when the case file was submitted to the registry. Cases are managed, monitored and processed in accordance with their case characteristics. For example, the application of case management principles and the time taken for disposal would differ significantly between a multi-defendant (complex) fraud case involving expert evidence and a straightforward (simple) low level assault case arising out of a neighbor dispute.

Using pre-established assessment criteria cases are screened for suitability to be assigned to a DCM 'Track', that will enable the case to be process in accordance with its management needs.

The development and implementation of a DCM system will build upon existing frameworks present at individual Parish Court centres and add further, consistent structures, in particular through the setting of time standards and defining hearing events.

#### What is DCM seeking to achieve?

The two overarching aims of DCM are:

- (i) **Timely and just disposition** - of all cases consistent with their specific preparation and case management needs.
- (ii) **A more efficient use of the resources of the court system and Criminal Justice System (CJS) stakeholders** – the approach relies upon the early screening of case files to enable the disposition process to be tailored to the specific management needs of the case, as such court and CJS stakeholder resources can be used more efficiently on cases that require additional effort, and simpler straightforward cases that typically require ‘lighter touch’ management can be fast-tracked for speedier disposal.

**DCM PLAN**

**Applicability and authority**

This DCM Plan is applicable to all court and outstations duly constituted under the Criminal Division of the Parish Court jurisdiction of Jamaica:

- (i) Hanover
- (ii) St. Catherine
- (iii) Westmoreland
- (iv) Clarendon
- (v) Portland
- (vi) St. Elizabeth
- (vii) Corporate Area Criminal
- (viii) St. Thomas
- (ix) St. James
- (x) St. Ann
- (xi) Trelawny
- (xii) Manchester
- (xiii) St. Mary
- (xiv) Portland

Unless otherwise directed by a Senior Judge of the Parish Court, or Justice of the Supreme Court, all Criminal cases heard before the Parish Courts must be processed in accordance with this DCM Plan.

Compliance with this DCM Plan is authorized by [Practice Direction x of xxxx ‘ .....’][The .....Rules of Court][Court Protocol.....][Court memorandum.....][The Memorandum of Understanding agreed by.....on xx/xx/xxxx].

Intentional non-compliance may result in.....

**General Information for the operation of the DCM system**

**Procedure for Track Assignment**

[With the exception on.....] All casefiles registered in the criminal division of the Parish Courts shall be assigned to a DCM Track.

At the first hearing of a case, if a G plea is not entered, representations will be made by the parties as to the appropriate track assignment, which will be confirmed by the Judge of the Parish Court

The assignment will be recorded on the JCMS system, and flagged on the physical file.

**Screening**

Following registration of a new case file, the expectation is that the file will be screened by a Prosecutor in preparation for the first hearing of the case.

[Where the majority of the case characteristic criteria][Where 60% or more of the case characteristic criteria] are observed during the screening process, assignment to the relevant track will usually be justified.

**Monitoring**

Case will be monitored by the Case Progression Officer. The monitoring process will include periodic reports to the Senior Judge of the Parish Court with regard to the progress of cases and under each track, and where necessary recommendations for track re-assignment.

ZERO DRAFT

**[Case Characteristic Criteria][DCM Assessment Criteria]**

<b>DCM ASSESSMENT CRITERIA</b>					
<b>CRITERIA</b>	<b>SIMPLE</b>  <b>MAXIMUM 120 DAYS (4 MONTHS) TO DISPOSITION</b>	<b>STANDARD</b>  <b>121-270 DAYS (4-9 MONTHS) TO DISPOSITION</b>	<b>COMPLEX</b>  <b>121-270 DAYS (9-12 MONTHS) TO DISPOSITION</b>	<b>HIGHLY COMPLEX</b>  <b>24 MONTHS TO DISPOSITION</b>	<b>TRANSIT</b>  <b>9 MONTHS TO DISPOSITION/TRANSIT</b>
<b>Maximum number of defendants</b>	1	3	3	3+	-
<b>Number of Witnesses</b>	1-3	4-6	7-9	9+	-
<b>Likely maximum length of trial</b>	1 day (3-5 hours)	3-5 days (15-25 hours)	6-14 days (30 - 70 hrs)	15 - 60 days (75-300)	-
<b>Legal Representation</b>	Represented/Unrepresented	Represented/Unrepresented	Represented/Unrepresented	Multiple legal representation	-
<b>3<sup>rd</sup> party material (e.g medical or forensic reports)</b>	3 <sup>rd</sup> party material is not required or if required will be easily obtained and undisputed	3 <sup>rd</sup> party material is not required or if required will be easily obtained and undisputed	Multiple 3 <sup>rd</sup> party material (up to 3 items) is required and likely to be disputed.	Multiple 3 <sup>rd</sup> party material (more than 3 items) is required, will be disputed, and is likely to be difficult to obtain	-
<b>Maximum Factual points in issue</b>	2	3	6	6+	-
<b>Legal issues</b>	Legal issues clear and settled	Legal issues clear and settled	Where legal issues exist, they are straightforward and resolution is unlikely to be complex.	Multiple legal issues exist, and are complex/novel, requiring dedicated court time to resolve.	-

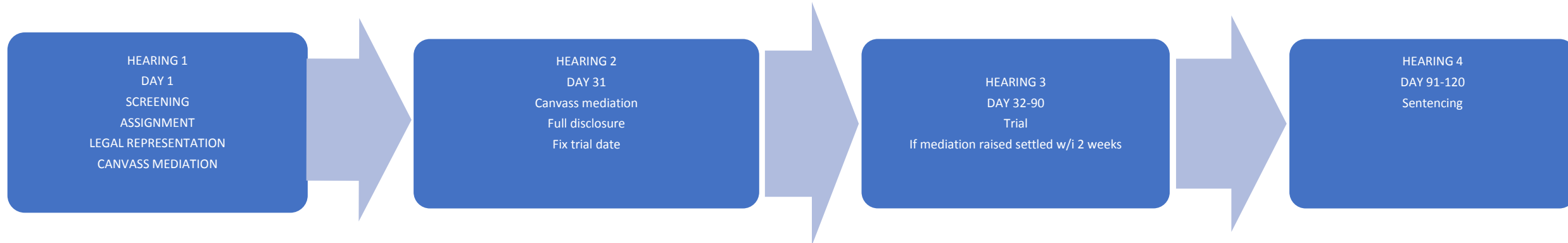
<b>A/V support (audio,visual presentation of evidence)</b>	Not required.	If required, is non-complex visual evidence such as a single clip of CCTV.	Required.	Required.	-
<b>Special measures (visually recorded evidence in chief or video link)</b>	Not required	If required	Special measures likely to be required	Special measures likely to be required	-
<b>High profile defendant(s) and public interest</b>	No high profile defendant or public interest	No high profile defendant or public interest	Case involves high profile defendants and/or is likely to attract significant public interest	Case involves high profile defendants and/or is likely to attract significant public interest	-
<b>Vulnerable witness(es)</b>	None	If case involves a vulnerable witness support needs are not complex.	Vulnerable witness(es) with or without complex support needs	Vulnerable witness(es) with or without complex support needs	-
<b>External Counsel instructed</b>	None	None	External Counsel instructed.	External Counsel instructed.	-
<b>Evidence or witnesses from overseas</b>	None	None	If case involves evidence obtained from overseas, no significant MLA issues are present	Case involves evidence obtained from overseas and significant MLA issues are likely	-
<b>Parallel legal proceedings</b>	None	None	If parallel proceedings exist, issues are non-complex and unlikely to have a significant impact on the progress and management of criminal proceedings	Case involves parallel legal proceedings that are likely to have an impact on the progress of criminal proceedings	-
<b>Jurisdiction for trial</b>	-	-	-	-	No jurisdiction for trial, case disposal/final disposition

Offense types	-	-	-	-	Human trafficking, gun court, law reform, fraudulent transactions, special provisions act (otherwise known as lotto scamming)
---------------	---	---	---	---	---

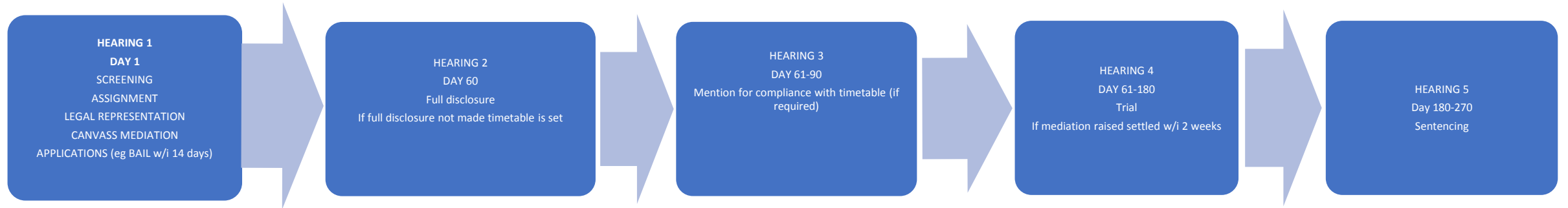
**TRACK PROCEDURES**

# ZERO DRAFT

**SIMPLE**

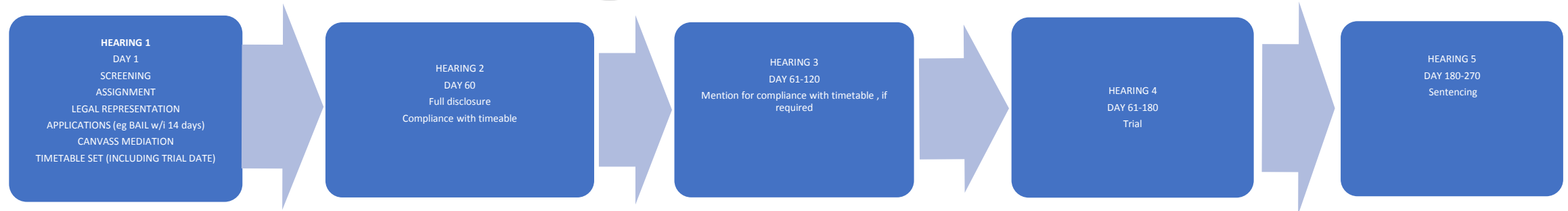


**STANDARD I**

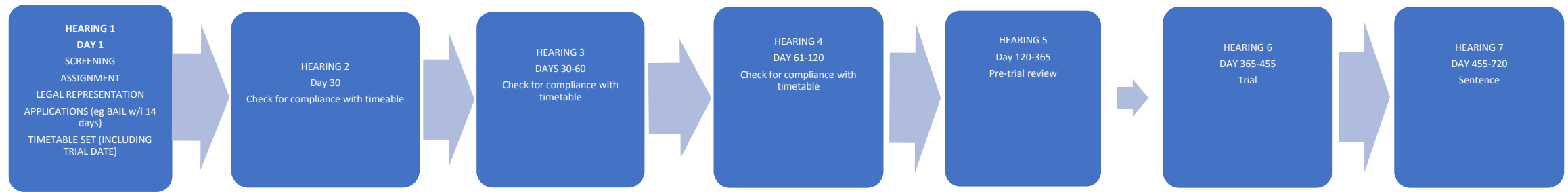


**ZERO DRAFT**

**STANDARD II**



**COMPLEX**



ZERO DRAFT