



Efficiency of Summary Courts



NOVEMBER 2019



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EXECUTIVE SUMMARY

The importance of an efficient and effective justice system in promoting a fair and democratic society and contributing to economic growth is well documented. Fair, accessible and efficient courts serve to create positive relations among citizens and between the individual citizen and the state, helping to build public trust and confidence in the courts. In his January 2019 speech marking the opening of the Grand Court, the Chief Justice referred to the World Bank’s 2016 report, “Good Practices for Courts.”

Prosecuting cases through the Summary Courts involves a number of public bodies. The main organisation responsible for operating the Cayman Islands court system is Judicial Administration, which administers all of the courts. However, the Office of the Director of Public Prosecutions (ODPP), the Royal Cayman Islands Police Service (RCIPS), the Cayman Islands Prison Service (CIPS) and the Department of Community Rehabilitation (DCR) also play significant roles in the criminal justice process. In addition, a wide range of individuals are involved in cases coming before the court, including the accused, their defense lawyers, jurors, victims and witnesses.

Over the years, a number of concerns have been raised about the efficiency of the Cayman Islands court system. The Chief Justice has frequently stated that a lack of court space is a major factor in delays and inefficiencies. In 2018, Judicial Administration purchased the Scotia building, close to the existing courthouse, to create more courtrooms. This is a significant financial investment, and the Legislative Assembly Public Accounts Committee asked the Auditor General to carry out a performance audit of court efficiency to ensure that this investment would deliver value for money.

The objective of this audit was to evaluate the efficiency of the Cayman Islands judicial system in handling Summary Court (including Traffic Court) cases. It sought to answer the following audit questions:

- How is the judicial system currently performing?
- Is Judicial Administration using its resources efficiently and effectively?
- Does Judicial Administration have an effective relationship with stakeholders and court users?

KEY MESSAGES

Judicial Administration has limited performance information and does not use the information available to understand, manage or improve performance. There are a number of widely accepted measures for assessing the performance of courts that could be used. These include, for example, the length of time cases take to progress through the system, the number of times cases are heard when they are scheduled, and views of court users.

Neither Judicial Administration nor the Criminal Justice Board have agreed performance standards or are using any performance measures to understand how efficiently or effectively the Summary Courts are working and where improvements could be made. The performance measures specified in the Strategic Policy Statement (SPS) are input- and output-based, rather than stated as outcomes to be achieved, so they will not help drive performance improvements. There is no evidence that Judicial Administration or the Criminal Justice Board considers the performance of the judicial system against the SPS measures, and performance is not publicly reported. The IT system currently used by Judicial Administration is not capable of producing useful performance information without extensive manual input. The lack of performance information and any monitoring or reporting makes it difficult to tell whether value for money is being achieved.

There are inefficiencies in the way cases are processed through the Summary Courts, but a number of these could be addressed through better use of technology. Judicial Administration is currently undertaking a major upgrade of its IT system. This has the potential to improve efficiency and reduce bureaucracy, for example, by allowing on-line payment of traffic fines. However, there is no business case documenting the costs and intended benefits of the system, so it will be difficult to measure value for money and how the system will contribute to improvements in efficiency.

The complex and multi-agency nature of the Summary Court system means it is difficult to identify the total cost involved in prosecuting cases through the Summary Courts. Judicial Administration's budget for 2018 was \$15.2 million. Our analysis of the budget statements and estimates shows that \$4.8 million of this budget was allocated to support court proceedings, including \$1.99 million for Criminal and Traffic Courts and \$1.96 million for Civil Court proceedings. However, Judicial Administration does not record its expenditures in this way.

The total cost of processing cases through the Summary Courts also involves elements of the budgets of the RCIPS, the ODPP, the CIPS and the DCR. The financial systems of each of these organisations are designed to manage and monitor the expenditures of that organisation, and only some of their expenditures will be directly related to processing cases through the Summary Court. Without an understanding of performance or of the costs relating to the Summary Courts, it is difficult to make an evidence-based assessment about whether Judicial Administration is using its resources efficiently and effectively.

The current court buildings are not fit for purpose and previous proposals for a new court building have been declined on the grounds of affordability. While the plans for the new court building are well advanced, at the time of our audit there had been limited engagement with other justice organisations to identify their requirements for the new court building. These could include, for example, the need for specialist accommodation for vulnerable witnesses, or for secure accommodation for people attending court from prison. Judicial Administration needs to engage with both internal and external stakeholders to ensure that the new court buildings meet their requirements. A draft Outline Business Case (OBC) for the project was being prepared at the time of our report. It is important that the OBC is in line with good

practice to ensure that it provides a strong evidence-base to justify the need for and investment in the new court building; this is not available currently.

Justice partners work well together at an operational level, but there is a need for more strategic collaboration to improve the efficiency and effectiveness of the justice system as a whole. Individual organisations and managers understand their own responsibilities, and there is a Criminal Justice Board that operates as a court users' group. However, there is no senior strategic board with shared responsibility for ensuring that the entire justice system operates efficiently and effectively. As a result, there is limited collective understanding and consideration of the criminal justice system as a whole and how changes implemented by one organisation can impact on the workload of others, which likely causes inefficiencies in the system.

INTRODUCTION

THE SUMMARY COURT SYSTEM IS COMPLEX, INVOLVING MANY DIFFERENT ORGANISATIONS AND INDIVIDUALS

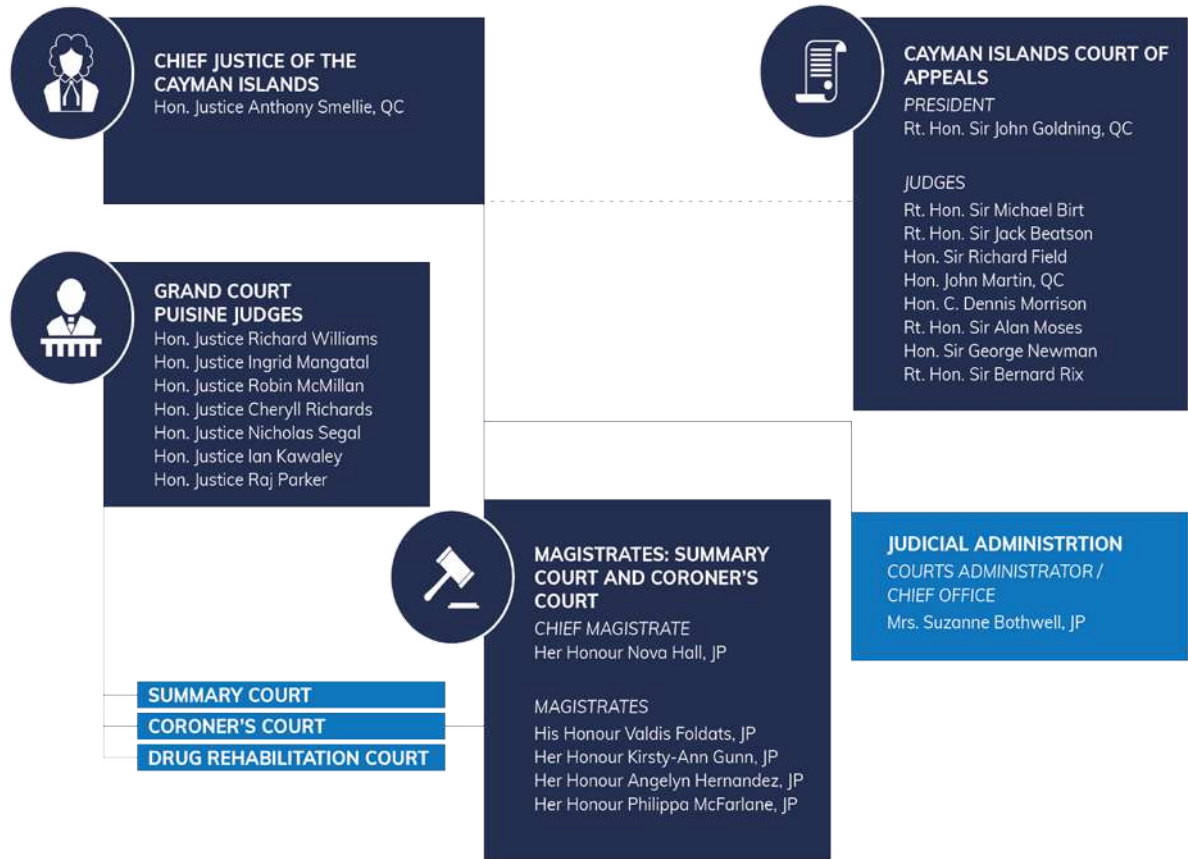
1. Prosecuting cases through the Summary Courts involves a number of public bodies. The main organisation responsible for operating the Cayman Islands court system is Judicial Administration, which administers all of the courts. However, a number of other public sector organisations and individuals also play significant roles in the criminal justice process. The main organisations involved in processing cases through the Cayman Islands Summary Courts are independent of each other and have different statutory roles. They include the following:
 - Judiciary, including the Chief Justice, Chief Magistrate, Judges and Magistrates who preside over hearings and trials.
 - Judicial Administration administers the courts, schedules dates for some hearings, informs all participants when cases are due to be heard in court, supports the judiciary, and administers the legal aid service.
 - Office of the Director of Public Prosecutions (ODPP) advises all investigative agencies, including RCIPS, on charges and presents the case for the prosecution in court.¹
 - Royal Cayman Islands Police Service (RCIPS) identifies suspects, gets advice on charges from the ODPP, prepares reports and submits them to Judicial Administration.
 - Department of Community Rehabilitation (DCR) provides social inquiry reports on people convicted of a crime, supervises community-based sentences and bail monitoring conditions, provides cognitive behavioural programmes for offenders in the community and institutions, and provides victim impact reports and support for victims.
 - Cayman Islands Prison Service (CIPS) provides the accommodation for accused people on remand and those sentenced to custody, and provides support and opportunities to prisoners to help address offending behaviour.
2. In addition, a wide range of individuals may be involved in cases coming before the court, including the accused, their defence lawyers, jurors, victims and witnesses.

¹ Other investigative agencies include Anti-Corruption Commission, Customs and Border Control, Department of Labour and Pensions, Department of Commerce and Investment, Department of Environment and Department of Planning.

3. The operational independence of the different parts of the system, the prosecution, defence and judiciary is an important element of an effective justice system. While the Cayman Islands Legislative Assembly and the Cayman Islands Government play an important and influential role in the justice system, for example, by passing legislation and allocating funding, they cannot interfere in the progress of individual cases.
4. All of the organisations and individuals involved in the court system have important contributions to make in ensuring that cases progress smoothly through the Summary Courts. However, Judicial Administration's role is essential in ensuring that the Summary Courts operate efficiently and effectively.
5. Judicial Administration is committed to fairly dispensing justice in the Cayman Islands and disposing of cases as quickly and efficiently as is consistent with the interests of justice. It also provides international legal assistance in line with treaties such as the Mutual Legal Assistance Treaty with the United States of America.²
6. The judicial system in Cayman Islands is headed by the Chief Justice, who is appointed by His Excellency the Governor and oversees a number of Judges and Magistrates (Exhibit 1). Judicial Administration operates the courts; it is headed by the Court Administrator (Chief Officer) and had 74 staff at December 2018.

² Judicial Administration mission statement

Exhibit 1 – Structure of the Judicial Administration



Source: CIG organisation chart

7. While Judicial Administration has the lead role in ensuring that the courts operate efficiently, all the organisations involved have a shared responsibility in ensuring that the criminal justice system as a whole works efficiently and effectively. For this reason, it is important that these organisations work together at both a strategic and an operational level to identify where there are inefficiencies in the system and how they could be addressed. In the Cayman Islands, the forum for partnership working in the criminal justice sector is the Criminal Justice Board, which is chaired by the Chief Magistrate and has representation from all of the main organisations involved in the criminal justice process.
8. The main legislation governing the justice system in the Cayman Islands comprises:
 - The Cayman Islands Constitution Order 2009
 - Judicature Law (2017 Revision)
 - Penal Code (2017 Revision)
 - Police Law (2017 Revision)

- Bail Law (2015 Revision)
- Traffic Law (2011)
- Criminal Procedure Code (2017 Revision)
- Children’s Law (2012 Revision).

9. There are a range of courts for different levels and types of case:

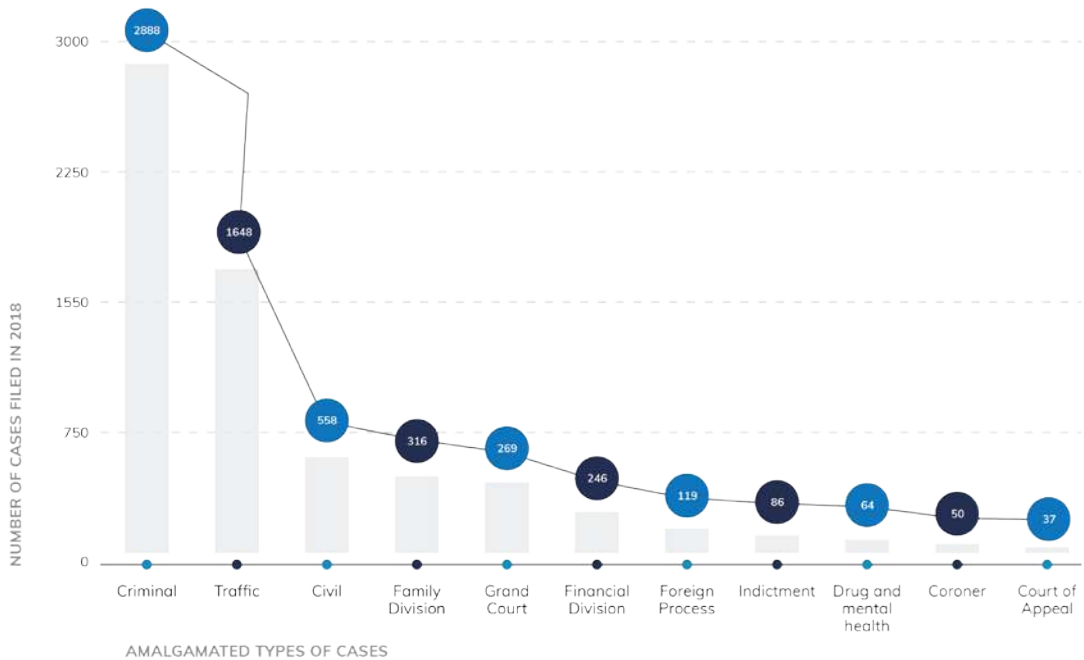
- The Summary Court hears a wide range of civil and criminal matters including Family, Youth, Traffic, and Coroner’s Courts.
- The Grand Court hears applications for judicial review, serious cases of criminal, civil, family and estate matters and appeals from the Summary Courts. In addition to the general Civil and Criminal Divisions, it has three specialist Divisions: the Admiralty Division, the Family Division and the Financial Services Division.
- The Court of Appeal is the highest court in the Cayman Islands in which civil and criminal appeals from the Grand and Summary Courts can be heard.
- The Privy Council is the highest court in which an appeal from the Court of Appeal can be heard.

10. In addition, there are the following specialised courts:

- The Drug Rehabilitation Court, which operates under the Drug Rehabilitation Court Law (2016).
- The Specialised Domestic Violence Court, which operates under a Memorandum of Understanding between Judicial Administration, ODPP, DCR and RCIPS, and commenced operating on 3 December 2018.
- The pilot Mental Health Court, which is not defined in law, but has been operating since 2009.

11. Judicial Administration manages the Summary Court, Grand Court and Court of Appeal; the Privy Council is administered from the UK. Many different types of cases are heard in these courts. The time needed for each case and type of case is different. For example, the Traffic Court can hear a large number of cases in a short space of time; whereas Grand Court cases, which are more complex by nature may take days or weeks to conclude. Exhibit 2 summarises the number of cases filed during 2018, by type of case.

Exhibit 2 – Number of cases filed, by type, 2018



Source: OAG analysis from data supplied by Judicial Administration³

12. There are significantly more traffic cases and criminal cases going through the Summary Court than any other type of case. These cases also affect the most users and stakeholders. For this reason, the audit focused on the efficiency of the Summary Courts. However, Grand Court cases take priority, and scheduling them has a knock-on effect for the Summary Court, as cases scheduled there may have to be rescheduled to make courtrooms available for Grand Court cases.
13. It is important for any justice system to demonstrate that it is fair, independent and impartial but also efficient. The efficiency of the court system affects both criminal justice organisations and individuals. Inefficiency can cause stress, uncertainty and disruption for all those involved. However, a challenge in improving efficiency is that different people or organisations may want different outcomes.

³ For this analysis, ‘Criminal’ includes criminal cases heard in Cayman Brac, youth criminal, and legal aid criminal cases; ‘Traffic’ includes traffic cases heard in Cayman Brac and youth traffic cases, but excludes tickets; ‘Civil’ includes legal aid civil cases, ‘Grand court’ includes both criminal and civil.

14. Over the years, a number of concerns have been raised about the efficiency of the Cayman Islands court system. The Chief Justice has frequently stated that a lack of court space is a major factor in inefficiencies and delays.
15. In 2015, the then Governor asked the UK's Crown Prosecution Service (CPS) International Division to carry out a review of the Cayman Islands criminal justice system. The review was intended to identify and deliver sustainable solutions and improvements to achieve a more efficient and effective criminal justice system. The Criminal Justice Adviser's report identified a number of areas where processes could be improved. Some of these related to improving efficiency; others were aimed at improving the justice system more widely. The audit looked at the progress made in implementing relevant recommendations from that report.

ABOUT THE AUDIT

16. In 2018, Judicial Administration purchased the Scotia building, close to the existing courthouse, to create more courtrooms. This was a significant financial investment, and the Legislative Assembly Public Accounts Committee asked the Auditor General to carry out a performance audit of court efficiency to ensure that this investment would deliver value for money.
17. The objective of this audit was to evaluate the efficiency of the Cayman Islands judicial system in handling Summary Court (including Traffic Court) cases. It sought to answer the following audit questions:
 - How is the judicial system currently performing?
 - Is the Judicial Administration using its resources efficiently and effectively?
 - Does the Judicial Administration have an effective relationship with stakeholders and court users?
18. The report is structured into two parts:
 - Performance and Efficiency of the Summary Courts.
 - Resourcing of the Summary Courts.
19. The audit assessed how efficiently and effectively the Summary Courts are operating in the Cayman Islands. We did not look at how other courts operate, such as those involved in civil litigation or financial or family affairs.
20. In conducting this audit, we interviewed senior managers, practitioners and officers in the police, the prosecution service, Judicial Administration, the prison and DCR, and members of the judiciary. We reviewed documents and available performance data from these organisations. We did walk-throughs of some of the key processes, including those involved in traffic ticketing and laying of criminal charges. We analysed data provided by Judicial Administration and DCR from their

departmental IT systems, although the data provided was limited in relation to understanding performance. We researched how court efficiency is assessed in other English-speaking jurisdictions. Appendix 1 provides more information about the audit, including the audit criteria, approach and methodology.

21. The assistance and cooperation we received from all the organisations involved in the Summary Court process is gratefully acknowledged. Without their help, the audit could not have been completed.

PERFORMANCE AND EFFICIENCY OF THE SUMMARY COURTS

22. The importance of an efficient and effective justice system in promoting a fair and democratic society and contributing to economic growth is well documented. In his January 2019 speech marking the opening of the Grand Court, the Chief Justice referred to the World Bank’s 2016 report, “Good Practices for Courts.”⁴ Fair, accessible, and efficient courts create positive relations among citizens and between the individual citizen and the State. Public trust and confidence that a court will provide accessible, fair, and accountable proceedings is, in turn, enhanced by an effective and efficient court system.

NO PERFORMANCE MEASURES ARE USED TO MANAGE OR IMPROVE THE SUMMARY COURT SYSTEM

23. There are a number of widely accepted measures for assessing court performance. The International Consortium for Court Excellence (ICCE) has developed a framework for assessing court excellence. This framework is intended as a practical guide that includes values, performance areas for court excellence, concepts, and tools that courts, tribunals and their stakeholders worldwide can use to assess and improve the administration of justice. In 2017, Judicial Administration adopted the principles set out in the World Bank guidance but has to date focused on improving court automation.

24. The ICCE framework includes 11 ‘Global Measures for Court Excellence’ (Exhibit 3).⁵ These are broadly based on CourTools, a set of measures for assessing court performance developed by the US-based National Center for State Courts.⁶

⁴ *Good Practices for Courts: Helpful Elements for Good Court Performance and the World Bank’s Quality of Judicial Process Indicators*, World Bank, September 2016

⁵ *Global Measures for Court Performance, International Framework for Court Excellence*, International Consortium for Court Excellence, 2018

⁶ *CourTools, Trial Court Performance Measures*, National Center for State Courts, 2005

Exhibit 3 – The eleven core measures for court performance

CORE MEASURES	MEASURE DESCRIPTOR
01 Court user satisfaction	The percent of court users who believe that the court provides procedural justice, i.e. accessible, fair, accurate, timely, knowledgeable, and courteous judicial services.
02 Access fees	The average court fees paid in civil cases.
03 Case clearance rate	The number of outgoing cases as a proportion of the number of incoming cases.
04 On-time case processing	The percentage of cases disposed or otherwise resolved within established timeframes.
05 Duration of pre-trial custody	The average elapsed time criminal defendants who have not been convicted of crime are detained awaiting trial.
06 Court file integrity	The percentage of case files that can be located and retrieved in a timely manner and meet established standards for accuracy, organisation and completeness.
07 Case backlog	The proportion of cases in a court's inventory of pending cases that have exceeded established timeframes or time standards.
08 Trial date certainty	The certainty with which important case-processing events occur when scheduled, expressed as a proportion of trials that are held when first scheduled.
09 Employee engagement	The percent of employees of a court who, as measured by a court-wide survey, are passionate about their job, committed to the mission of the court and, as a result, put discretionary effort into their work.
10 Compliance with court orders	The total amount of payments of monetary penalties (fines and fees) collected by a court or court user system, expressed as a proportion of the total amount of monetary penalties ordered by a court in a given period of time.
11 Cost per case	The average cost of resolving a single court case, disaggregated by level and location of court, and by case type.

Source: International Consortium for Court Excellence

25. Neither Judicial Administration’s senior management team nor the Criminal Justice Board is using any of these measures to understand how efficiently or effectively the Summary Courts are working and where improvements could be made. There are no agreed standards or performance measurement systems for assessing the timeliness or quality of cases processing through the Summary Courts, so it is not possible to identify what is working well or where performance could be improved.
26. The 2018 Strategic Policy Statement (SPS) specifies a number of measures, but these are primarily inputs, for example, number of indictments processed, number of jurors summoned, rather than outcome-based, so the measures will not help drive improvements. Moreover, there is no systematic monitoring and reporting, either internally within the organisation or externally to the public.

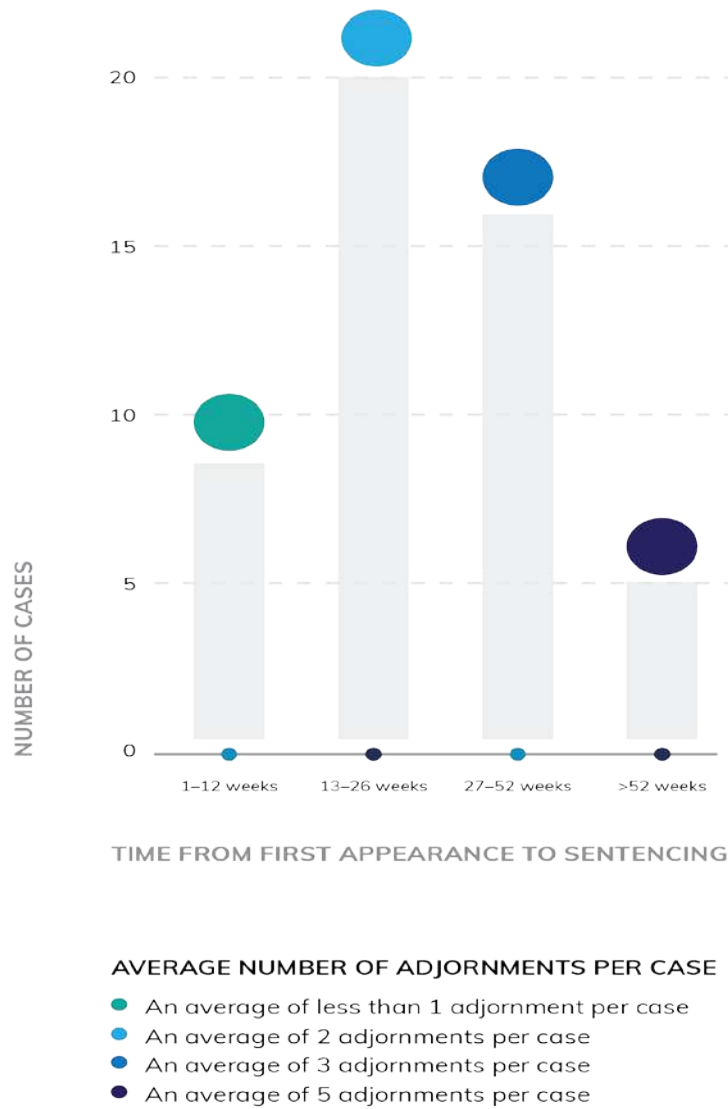
JUDICIAL ADMINISTRATION DOES NOT HAVE THE INFORMATION IT NEEDS TO UNDERSTAND PERFORMANCE

27. Judicial Administration’s uses the JEMS IT system for case management in all courts. It has full and complete information on individual cases, but it does not allow the information on individual cases to be aggregated up to manage performance. The ICCE’s framework states that a “foundation stone of excellent court planning and performance is the maintenance of accurate, comprehensive and reliable information and databases. It is essential not only to assessing the performance of a court but also assessing whether its strategies or activities for improvement are having a positive effect.” However, the ICCE found that many courts’ information systems and databases did not capture what was needed to assess performance and track progress; we found this to be the case in the Cayman Islands. However, Judicial Administration is in the process of upgrading its IT system and we discuss this later in the report.
28. One of the most frustrating aspects of court performance that was raised during our fieldwork was the number of times cases are adjourned—that is, they do not progress as planned. There are many reasons why cases do not proceed on the day they are scheduled. For example, the accused pleads guilty shortly before the case is heard, the accused or witnesses do not turn up, new evidence comes to light, defence attorneys are unavailable or unprepared, or court-requested information on the case is late in arriving. We were also told that there is only a small number of defence attorneys, who cover all types of case and may be required in different courts at the same time. This can also lead to adjournments.
29. There will always be some adjournments in the interests of justice: for example, it is a defendant’s right to plead guilty at any stage. However, many adjournments could be avoided, for example, delays caused by improper functioning of video links or poor-quality paperwork. Delays and adjournments are costly and affect everyone involved in the case. It is an expensive waste of time for all of the justice professionals involved, such as police officers, the prosecutor, social workers,

defence attorneys and judges, and it can be distressing for victims and witnesses, who may have taken time off work to attend the hearing. Large numbers of adjournments may also affect public confidence in the judicial system.

30. Court scheduling may also lead to adjournments. For example, Judicial Administration may schedule additional trials to maximise the use of court rooms. However, these additional trials may not go ahead if an earlier case exceeds the estimated time, and the court room is not available as planned, resulting in all of the people waiting having to be sent away.
31. None of the IT systems used across the criminal justice system is able to provide data easily on the number of cases that are adjourned or the reasons for the adjournment. DCR agreed, specifically for this audit, to manually extract and anonymise data from its system on the progress of cases where Victim Impact Reports (VIR) were requested. We specifically selected these cases, as victims are often vulnerable and may be particularly negatively affected by repeated adjournments.
32. DCR provided a sample of 87 cases, dating from 1 July 2018 to 28 February 2019, of which 49 were completed (56 per cent). Exhibit 4 shows the time taken for the completed cases, from the date of the first court appearance to disposition (usually sentencing), and the average number of adjournments. This shows that although the majority of cases were completed within 26 weeks, more than two fifths took longer than 26 weeks. A minority of cases had an average of five adjournments and took longer than a year to complete.

Exhibit 4 – Time taken for a sample of completed cases, where a Victim Impact Report was requested, to progress through the Summary Courts



Source: OAG analysis from data supplied by Department for Community Rehabilitation

33. The reason for the adjournments was not always given in the data supplied. However, when a reason was provided, the most common was that the defence attorney was unavailable or unprepared. This accounted for adjournments in 14 per cent of the cases. Other common reasons for adjournments included new matters brought to court (8 per cent of cases), unavailable Social Inquiry Reports (SIR) (8 per cent), sentencing (6 per cent), offender non-compliance with court requirements (6 per cent) and video links that did not work (5 per cent).

34. Similar (and more complete) information for individual cases should also be available on Judicial Administration's system JEMS, the police records management system (RMS) or the ODPP's IT system. However, in each case, it has to be manually extracted and analysed, which is time-consuming. Without such information, Judicial Administration and the other criminal justice organisations cannot take an evidence-based approach to reducing the number of avoidable adjournments.
35. A further important area for assessing the performance of courts is understanding how users experience the criminal justice system. Court users include the professionals who work in the courts on a daily basis and members of the public who have to be there for individual cases, such as the accused, witnesses, victims and jurors. Judicial Administration has not undertaken any surveys of court users. Gathering the views of both professionals and the public will be important in ensuring that the new courts meet the needs of everyone who has to attend court, and it is one of the global measures of court excellence.
36. Another of the global measures is employee engagement. Since 2017 the civil service has carried out an annual staff survey, and Judicial Administration participates in this. The 2018 results show an overall staff engagement index of 61 per cent (based on a 54 per cent response rate), which is the same as 2017. However, fewer staff completed the survey in 2018; the 2017 response rate was 84 per cent, which may be an indication that fewer staff were engaged in 2018.
37. Ensuring that the Summary Courts operate efficiently and effectively is not the responsibility of Judicial Administration alone. Given the multi-agency nature of the criminal justice system, the police, prosecutors, the prison and criminal justice social workers all play an important role. Reviewing court performance and agreeing on improvement strategies should be a collective activity among all the statutory bodies and a key function of the Criminal Justice Board.

Recommendation 1: Judicial Administration, together with all the criminal justice partners, should establish a performance management framework for the criminal justice system that includes measures and agreed standards, including the time taken for cases to proceed through the courts, the number of outstanding trials and the views of court users. Progress against these measures and standards should be monitored and reported regularly.

MOST OF THE RECOMMENDATIONS FROM THE CRIMINAL JUSTICE ADVISER'S REPORT HAVE BEEN IMPLEMENTED

38. The Criminal Justice Adviser's 2015 report identified a number of areas where processes could be improved. Some of these related to improving efficiency; others were aimed at improving the justice system more widely. There have been some significant developments arising from this report, including:
- The introduction of sentencing guidelines to improve consistency and transparency.

- New training delivered to RCIPS recruits and other officers (Customs and Immigration and now Customs and Border Control) covering statements, case files, evidence, court procedures etc.
- The implementation of case management forms to expedite the prosecution process.
- Appointment of staff to support victims.
- Introduction of the *Cautions Law 2018*.
- Establishment of the Specialist Domestic Violence Court at the end of 2018.

39. In January 2019, as recommended in the report, the ODPP established a Witness Care Unit. By the end of May 2019, this had provided support and liaison to 62 vulnerable witnesses, primarily for cases going through the Grand Court. ODPP has received positive feedback from several of the witnesses supported by the Unit.

40. The Criminal Justice Adviser also recommended improvements to ODPP's performance monitoring system. As a result, ODPP recently upgraded its digital case management system to enable it to collect data relating to the dates between an offence and a request for a charging decision, and to collect data relating to the progression of a case through the courts. This information is directly relevant to the performance of the whole criminal justice system and could provide useful data for a new performance management framework.

THE SUMMARY COURT SYSTEM IS DEMAND-LED BUT THERE HAS BEEN NO SYSTEMATIC ANALYSIS OF HOW DEMAND IS CHANGING

41. The criminal justice system is based on laws and is therefore demand-led, and understanding and reducing demand is a key element in improving efficiency. There is limited understanding of how the current level of demand is changing or what can be done to manage or reduce it. In general, there are few options to reduce demand as cases proceed through the system. For example, police and prosecutors have some discretion over decision-making. However, the courts have to schedule hearings for all the cases that are filed, and the prison service has to accommodate everyone sent for remand or sentenced to custody.

42. The Criminal Justice Adviser's 2015 report found there was no formal system for out-of-court disposals in the Cayman Islands at that time. There is a body of evidence that suggests that early out-of-court disposals are effective in reducing re-offending and can also improve public confidence.⁷ The lack of out-of-court disposals resulted in a number of cases flowing through the

⁷ For example *What Works to Reducing Reoffending: A Summary of the Evidence*, Scottish Government, 2015

system that ended up with low-level disposals. So the lack of early intervention to prevent court appearances was both costly and ineffective.

43. As a result of this finding, police cautions were introduced in 2018. These are intended to be used for first-time offenders who have committed minor offences, and who would be at risk of offending further if drawn into the criminal justice system. The *Cautions Law* commenced on 1 October 2018, and in the first five months of operation, 12 adult and two juvenile cautions had been administered. This is a positive step, although only a small number had been used at the time of our audit. The use of out-of-court disposals has the potential to reduce demand across the system and reduce re-offending and the longer-term impact will need to be evaluated.
44. The recent increase in the volume of traffic offences is another example of how an initiative by one organisation can lead to changes in demand across the whole system. In 2017, RCIPS established a dedicated Traffic and Roads Policing Unit (TRPU). RCIPS had an evidence-based case for the establishment of the TRPU: the Cayman Islands had increasing levels of road accidents and casualties, and it is well established that dedicated policing units are effective in reducing road traffic accidents. The success of the TRPU is not in doubt. The number of traffic cases (tickets and charges) filed by Judicial Administration increased from 5,313 in 2017 to 7,449 in 2018, an increase of nearly 30 per cent. This has increased the demands on both ODPP and Judicial Administration, but neither organisation was consulted prior to the establishment of the TRPU or had any control over the resulting increase in workload.

Recommendation 2: Judicial Administration, working with its justice partners, should monitor and evaluate the use of out-of-court disposals with a view to increasing their use in the justice system in the longer term if found to be efficient and effective.

JUDICIAL ADMINISTRATION DOES NOT HAVE A STRATEGY FOR MANAGING BACKLOGS

45. Backlogs build up when the number of cases filed for a court hearing exceeds the capacity of the courts to deal with them. At the beginning of March 2019, there were 1,368 criminal cases pending for the Summary Court. About 1,500 cases are processed each year, so this represents about a year's backlog.⁸ It was difficult to establish how many traffic cases are pending, as only closed cases were included in the data provided to us.
46. Our analysis of the number of cases filed and the number disposed over the last three years shows that the disposal rate for criminal cases is just over 100 per cent (i.e. slightly more cases are

⁸ Judicial Administration data shows that 1,574 cases were disposed in 2016; 1,522 in 2017 and 1,553 in 2018.

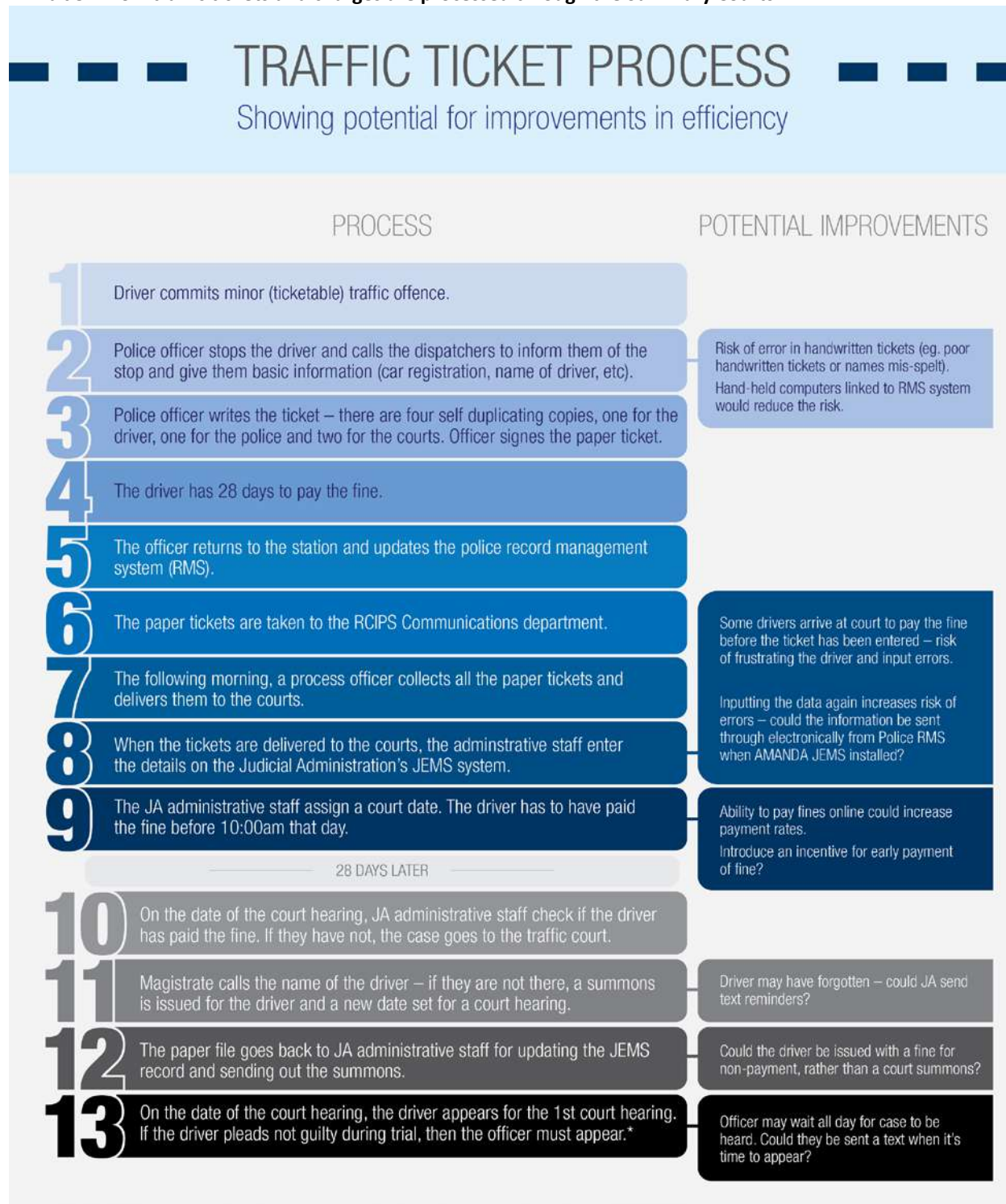
disposed each year than are filed). So although Judicial Administration is keeping on top of current business, the backlog is being only marginally reduced.

47. There is also a growing backlog of civil, family, and financial cases. For example, over the last three years, 757 cases were filed in the Financial Services Division and only 38 disposed (5 per cent). This may be because of the complexity of some of these cases. Over the same period, 1,009 criminal legal aid cases were filed but only 500 were disposed, a disposal rate of 50 per cent. It is not clear to what the extent the increasing backlog of other types of cases will impact on Summary Court time in the future, or whether maintaining throughput for criminal and traffic cases in the Summary Courts is contributing to the backlog in other types of cases. Judicial Administration has no documented plans for how the growing backlogs in these cases will be addressed, or the extent to which this data is being considered in the planning for the new courtrooms. Monitoring the number of cases that are exceeding agreed time frames is a standard measure of court performance and should be included in any performance management framework that is developed.

THERE ARE INEFFICIENCIES IN HOW CASES ARE PROCESSED THROUGH THE SUMMARY COURTS BUT SOME OF THESE COULD BE ADDRESSED BY IMPROVED TECHNOLOGY

48. There are many different stages involved in processing cases through the Summary Court system, but a number of these could be addressed by reducing bureaucracy and making better use of IT. For example, in the initial stages of processing criminal cases, the police send information on the case to ODPP; the prosecutors advise the police on the appropriate legal charges; and the police then complete the paperwork and submit it to the courts. This builds in the risk that the police will make errors in the final documents that are submitted to the courts. In other jurisdictions, the prosecution service submits cases to the courts directly.
49. As part of this audit, we looked in detail at how traffic tickets and traffic offences are processed through the courts, and identified where new technology could reduce the risk of errors and improve the process. This is illustrated in Exhibit 5.

Exhibit 5 – How traffic tickets and charges are processed through the Summary Courts



Source: OAG analysis from data supplied by Royal Cayman Islands Police Service

JUDICIAL ADMINISTRATION'S NEW IT SYSTEM HAS THE POTENTIAL TO IMPROVE EFFICIENCY

50. Judicial Administration is in the process of implementing a major upgrade to the JEMS system (AMANDA JEMS). This is designed to improve efficiency and reduce bureaucracy. The initial priority for the new system was in relation to cases being dealt with in the Financial Services Division, including e-filing and making large paper files available electronically in court. The new system has the potential to improve efficiency in the Summary Court system in the longer term. For example, by enabling online payments, introducing e-ticketing and electronic court scheduling. Judicial Administration is introducing online payments in some areas and this could be extended further to the payment of traffic fines. We understand that Judicial Administration is also considering the introduction of e-ticketing and plans to discuss with RCIPS with a view to introducing this during 2020 or 2021. At the time of this report, Judicial Administration is in the third phase of implementing AMANDA JEMS and is due to carry out final training, data migration and testing of the system in early December 2019; with a view to AMANDA JEMS going live for the entire court system in March 2020.
51. However, there is no business case documenting the costs and intended benefits of the new IT system. So there will be no way of knowing the extent to which it contributes to improvements in efficiency, or whether it has delivered value for money. And without agreed performance measures, there is no way of tracking improvements over time. This is a major capital investment project, providing critical infrastructure for court operations, but no risk register had been developed at the time of the audit. It was anticipated that risks would be identified during the testing process, which was underway at the time of our audit.
52. A further consideration is how the introduction of the new IT system will impact the work of other justice organisations, such as RCIPS, ODPP and DCR. Currently, all of these organisations have limited access to JEMS, which is useful to them, as they need information on how individual cases are progressing. For example, DCR relies on information in JEMS to complete social inquiry reports and to supervise conditions of orders and bail. However, Judicial Administration is planning to restrict access to AMANDA JEMS to just its own users. Judicial Administration has only recently started to consult with the other justice organisations about what their requirements will be once they have restricted access to the new system. There is the potential to improve efficiency by ensuring that the IT systems in justice organisations can exchange information easily and securely, for example through a secure information hub. This could allow the sharing of essential information and minimise the need for each organisation to re-input the same data into different systems, and thereby reduce the risk of errors. The information would need to be handled sensitively to ensure that it complies with data protection legislation.
53. Introducing a new electronic system will require effective change management. All Judicial Administration staff will be affected, as well as magistrates and judges. The new system will require

cultural and behavioural changes from everyone involved in the work of the courts. There is as yet no documented plan outlining what steps will be taken to achieve the required changes.

Recommendation 3: Judicial Administration should develop a risk register and change management plan for the implementation of AMANDA JEMS and identify success measures for the project, including how it will monitor progress in order to demonstrate value for money.

Recommendation 4: Judicial Administration and the other criminal justice organisations should work together to ensure that their IT systems enable effective sharing of information to avoid duplication and reduce the risk of errors in data input.

RESOURCING OF THE SUMMARY COURTS

54. In this section, we discuss the financing, buildings and staffing involved in running the Summary Courts and how well stakeholders work together to ensure that the whole system operates as efficiently and effectively as possible, consistent with the principles of justice and fairness.

IT IS NOT POSSIBLE TO IDENTIFY THE TOTAL COST OF PROCESSING CASES THROUGH THE SUMMARY COURTS

55. The complex and multi-agency nature of the Summary Court system means it is difficult to identify the total cost involved in prosecuting cases through the Summary Courts. Judicial Administration's budget for 2018 was \$15.2 million. Our analysis of the budget statements and estimates shows that \$4.8 million was allocated to supporting court proceedings, with \$1.99 million for Criminal and Traffic Courts and \$1.96 million for Civil Courts. However, Judicial Administration does not record its expenditure in this way, so it is not clear how much it costs to operate each of the different types of court.

56. The total cost of processing cases through the Summary Courts also involves elements of the budgets of the RCIPS, the ODP, the CIPS and the DCR. The financial systems of each of these organisations are designed to manage and monitor the expenditure of that organisation, and only some of their expenditure will be directly related to processing cases through the Summary Court.

JUDICIAL ADMINISTRATION HAS NOT UNDERTAKEN ANY FINANCIAL ANALYSIS OF THE COSTS INVOLVED IN PROCESSING CASES THROUGH THE SUMMARY COURTS.

57. Cost per case is one of the global measures of performance and can be used as a proxy for efficiency of case processing. The cost information can provide comparisons over time or between different types of cases, and enable the impact of new processes to be tracked. Calculating unit costs of specific activities allows managers to understand the impact of inefficient processes on their budgets and to quantify the savings that can be achieved through improving efficiency.

58. The majority of costs in a criminal justice system relate to the salaries of the people involved in processing cases through the courts, plus the fixed costs relating to physical structure of the building and the IT costs. It is therefore possible to calculate approximate unit costs, by estimating the proportion of court time spent on different types of cases and calculating the salaries of all the people involved in those cases.

59. The ICCE's international guidance on these measures includes a practical and straightforward methodology for estimating the cost per case. This methodology requires information on total court

expenditure, number of case dispositions (or filings) by major case type and a complete inventory of all judicial officers and court staff in terms of full-time-equivalent positions. The methodology is closely based on the CourTools system, which includes Excel spreadsheets to aid calculation.⁹

60. However, we found that Judicial Administration has not done any financial analysis to estimate the cost of cases progressing through the Summary Courts. Without an understanding of performance or of the costs relating to the Summary Courts, it is difficult to make an evidence-based assessment about whether Judicial Administration is using its resources efficiently and effectively.

Recommendation 5: Judicial Administration should undertake financial analyses to identify the current costs of different types of cases being processed through the Summary Courts. This can be used as a baseline to track the impact of future measures to improve efficiency.

THE EXISTING COURT BUILDINGS ARE NOT FIT FOR PURPOSE

61. There have been concerns for a number of years about the lack of court space in the Cayman Islands. This has been a consistent theme in the Chief Justice's speeches and in Judicial Administration's annual reports. The problem is two-fold. First, the design of both the individual courtrooms and the building itself is inadequate. Second, Judicial Administration reports that in the existing buildings, the number of rooms that can be used as courts is insufficient to hear all the cases that are filed. As reported earlier, at March 2019 there were 1,368 backlogged Summary Court cases, which is equivalent to the amount of cases that are processed through the Summary Courts each year.

62. The problems caused by the inadequacies of design in the existing buildings were a consistent theme in our fieldwork and have frequently been highlighted in the media. These include, for example:

- Limited facilities for protecting and supporting vulnerable witnesses and victims.
- Lack of separation between victims and the accused.
- Lack of separation between jurors and the accused.
- Lack of security in the courts to hear serious criminal cases.
- Lack of secure facilities for prisoners waiting for their cases to be heard.
- Lack of disabled access.

⁹ *CourTools, Trial Court Performance Measures, Measure 10 Cost per Case*, National Centre for State Courts, 2005

63. Judicial Administration has developed various proposals for a new court building over the years, none of which has come to fruition; mainly due to the estimated costs being deemed unaffordable. In 2018, Judicial Administration bought the Scotia building (opposite the existing courts) and took possession in November 2018. Given the proximity of the two buildings, Judicial Administration is planning to renovate the current court house and Scotia building and build a superstructure in the space between them that will have ten court rooms. The initial proposals for the Scotia building include a dedicated Court of Appeal and a temporary Grand Court and accommodation for the entire administrative staff. Judicial Administration has engaged a specialist consultant (NORR) to advise on the design of the new courts. However, we understand that designs are based on high-level estimates of the need for court rooms from 2015.
64. The new court buildings will need to have both sufficient hearing rooms for the expected workload and adequate accommodation for Judicial Administration staff, the judiciary and court users. Understanding how many hearing rooms are required is a challenge and requires a sophisticated understanding of current and potential future demand, current utilisation rates and current performance (for example, how many trials are deferred because of lack of court space, how many cases are heard on the day they are scheduled). There is no evidence that Judicial Administration has collected this range of data to inform decisions on how many courtrooms will be required in the future.
65. The planning for the new court building is progressing, and the detailed requirements for the new accommodation are being finalised. At the time of our report a draft Outline Business Case (OBC) was being prepared for the project. However, it is not clear if updated forecasts of caseload and the demand for court rooms, based on more recent workload, have been prepared and are being used to inform the OBC. It is important to ensure that decisions about the required investment in the new building are based on evidence and are transparent and open to public scrutiny, and that the associated risks have been given proper consideration.
66. Given the multi-agency nature of the criminal justice system, it is also important that the new court buildings meet the needs of all the justice organisations involved in processing cases through the courts and meet the needs of individual court users. It was concerning, therefore, that none of the stakeholders we spoke to during our fieldwork in February 2019 had been consulted on the initial proposals outlined above or been given the opportunity to discuss their requirements for the new courts with the design consultants. We have been told that discussions with both internal and external stakeholders have recently started, but these need to be completed and fully considered prior to finalising the plans. For example, we understand that discussions have been ongoing between Judicial Administration and RCIPS about improving security in the court buildings.

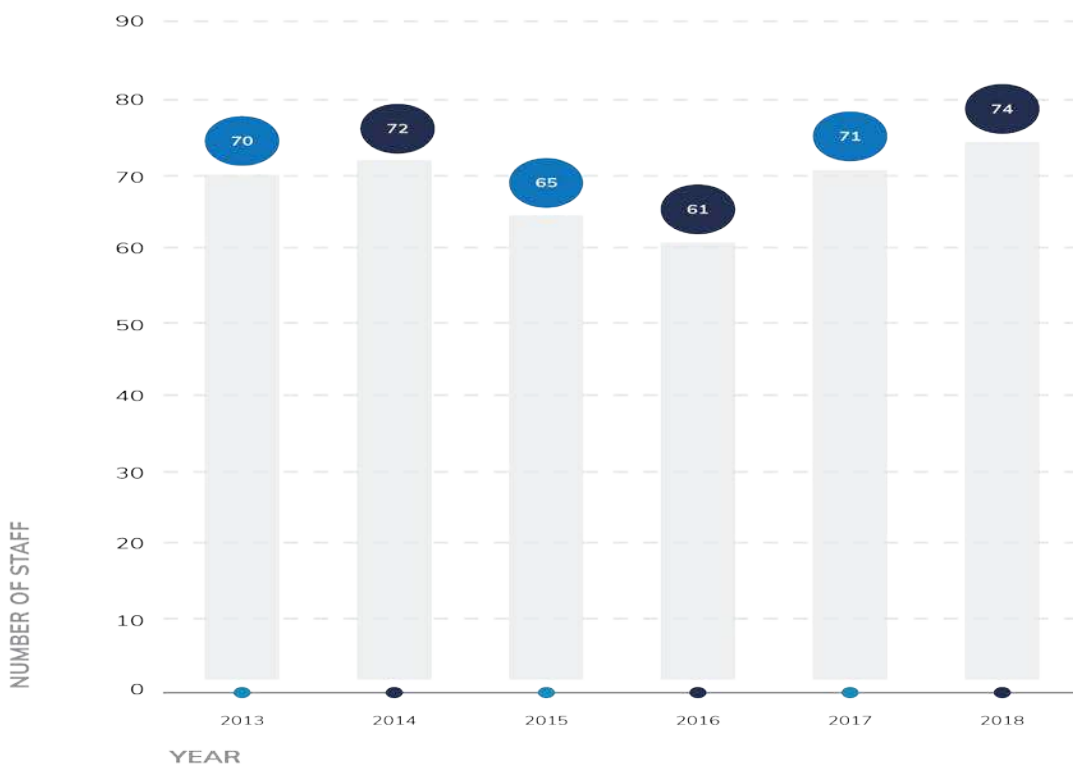
Recommendation 6: Judicial Administration should, as a matter of urgency, engage with all court users to ensure that the design of the new court buildings takes into account the current and future needs of all stakeholders.

Recommendation 7: Judicial Administration should ensure that the Outline Business Case for the new court building is in line with good practice, including a clear evidence base that demonstrates the need for investment.

NO WORKFORCE PLANNING HAS BEEN DONE TO IDENTIFY THE STAFFING LEVELS NEEDED FOR SUMMARY COURTS TO OPERATE EFFICIENTLY AND EFFECTIVELY

67. At the end of 2018, Judicial Administration had 74 staff. However, the number of staff employed has varied slightly over the six years from 2013, dipping to a low of 61 in 2016 (Exhibit 6).

Exhibit 6 – Number of staff employed by Judicial Administration, 2013 – 2018



Source: OAG analysis from data supplied by Judicial Administration

68. In our interviews with senior managers in Judicial Administration, the lack of staff was consistently raised as an issue affecting the efficient operation of Summary Courts. We noted a need for staff trained as paralegals that would allow senior managers to focus on strategic issues, which would suggest that a different mix of skills and experience may be needed rather than more staff. We understand that two staff are currently training to be paralegals and that Judicial Administration plans to carry out a review of mid-level management roles with a view to introducing more legally qualified staff to support senior management.

69. However, the organisation has not done any workforce planning to determine how many staff it needs, and with what skills, to operate efficiently, deliver its objectives and meet future demand. For example, it is not clear what impact creating additional courtrooms will have on staffing requirements, including whether there is a need for more magistrates.
70. In April 2018, OAG published a performance audit report on workforce planning and management.¹⁰ This report stressed the importance of workforce planning as an essential component of strategic planning; it included clear guidance on how to develop a workforce plan and what it should include. However, relevant staff in Judicial Administration were unaware of the report.

Recommendation 8: Judicial Administration should develop a workforce plan that identifies the number and types of staff required to ensure that Summary Courts and other courts operate efficiently and effectively in the future.

71. A further area where there is clear concern about capacity and resources is in relation to defence attorneys. In data submitted by the DCR, the lack of a defence attorney was the most common reason for adjournments. In a sample of 87 cases where a Victim Impact Report was requested, 14 per cent of adjournments were due to the defence attorney being unavailable or unprepared. The heavy workload of the criminal defence attorneys was identified as an issue during our fieldwork. It is not clear if the number of criminal defence attorneys in the Cayman Islands is sufficient to handle the workload or whether more could be done to stimulate the market.

JUSTICE PARTNERS WORK WELL TOGETHER OPERATIONALLY BUT THERE IS A NEED FOR MORE STRATEGIC COLLABORATION

72. The different roles and accountabilities of the organisations involved in criminal justice and the complexity of the processes means that it is difficult to manage as an integrated system. Without a shared understanding of all the different processes involved, there is a risk that decisions taken in one part of the system will have unintended and potentially detrimental consequences for another part.
73. Delivering improvements requires all criminal justice organisations to work closely together. The Criminal Justice Adviser's 2015 report on improving aspects of the criminal justice system recognised the importance of the relationship between prosecutors and the police. It found that the establishment of a "prosecution team" had resulted in successful prosecutions and increased performance, and that there was effective joint working in relation to serious crime. However, this

¹⁰ *Workforce Planning and Management in the Cayman Islands Government*, Office of the Auditor General, April 2018

was not the case in respect of “volume crime”, where “there was a lack of joint working, with inconsistent working practices and timeliness on both sides” and “a lack of detailed understanding of what each side does”.

74. Our audit found that criminal justice partners worked well together at an operational level. Individual managers understood their own responsibilities and the role of their own organisation, and had good relationships with managers in other organisations whom they worked with regularly. However, there was limited collective understanding of the criminal justice system as a whole. For example, there were no process maps describing how offenders move through the criminal justice system. Developing process maps is a useful way of building a shared understanding of all the stages involved in the prosecution of a crime, in particular among organisations who are normally involved in different parts of the process (for example, ODPP and DCR). Publishing the process maps also improves understanding among individuals in the system, such as witnesses and victims, about what is likely to happen in a criminal case.
75. The Criminal Justice Adviser recommended establishing a new remit for the Criminal Justice Board, which had previously operated as a Summary Court users group. To support this recommendation, she set up the first meeting of the Board. She proposed that the role of the Criminal Justice Board should be “to improve co-operation between the criminal justice agencies in order to deliver the best possible criminal justice service to the Cayman Islands community” and recommended that the Board meet every two months.
76. The Adviser recommended that one of the first tasks for the Criminal Justice Board should be to set up a dedicated court to deal with cases of domestic abuse. The Specialist Domestic Violence Court had its first sitting in December 2018. It was established under a Memorandum of Understanding among the ODPP, Judicial Administration, DCR and RCIPS. The main purpose of the court is to provide swift resolution of matters for the victims of domestic violence. All of the agencies involved move as quickly as possible from the first complaint of a domestic violence matter, through investigation, filing of charges, appearance in court and resolution of the matter, whether by plea or trial. The court sits two afternoons a month and cases are taking on average nine weeks from first to final hearing. This is a comparatively quick resolution. The establishment of the Specialist Domestic Violence Court demonstrates what can be achieved with clear leadership supported by focused and effective partnership work.
77. However, we found that the Criminal Justice Board had reverted to operating more as a court users’ group, with criminal justice partner organisations sending operational managers rather than chief officers. The board met only once in 2018; agendas, papers and minutes for this and previous meetings are not available. There was one meeting in the first six months of 2019, but there were no representatives from the police, prisons or DCR, all key partners in the criminal justice system.

78. The previously mentioned recent increase in traffic offences mentioned previously is an example of a development that would have benefitted from a strategic discussion among criminal justice partners prior to the establishment of the Traffic Unit. This would have allowed Judicial Administration, ODPP and other relevant organisations to prepare for the sudden increase in demand arising from the work of the unit.
79. There is a clear need for a senior strategic board with shared responsibility for ensuring that the criminal justice system in the Cayman Islands operates as efficiently and effectively as possible, as recommended by the Criminal Justice Adviser. There are a number of important developments in the justice sector that require strategic oversight, including the new court building, the introduction of AMANDA JEMS and the requirement for a performance management framework. A senior strategic justice group, with chief executives and directors of the main justice organisations all attending, could fulfil this role.

Recommendation 9: The Government should set up a senior strategic justice group that includes chief officers from all the organisations involved in delivering criminal justice in the Cayman Islands.

CONCLUSION

80. The Public Accounts Committee asked me to carry out a performance audit on court efficiency to ensure that the investment in the new court house would deliver value for money. The need for a new court house is not in question as the current court facilities are not fit for purpose. However, at the time of the audit the Outline Business Case for the project was still draft and had some major gaps. Specifically, no support was presented on why ten court rooms were needed and this appears to be based on experience rather than an analysis of current and projected workload. We understand that the most recent projections of workload were done in 2015. We also found that dialogue with other justice partners, including RCIPS, Prison, Director of Public Prosecutions and the Department of Community Rehabilitation, to determine their needs in designing the new court house had only recently started. It is important that in planning and designing the new court house the needs of justice partners are factored in to help improve efficiency of the entire justice system and ensure the safety and security of court users. In addition, the estimated cost of the project is not yet clear. All of these factors combined currently make it difficult to assess that there is value for money from the proposed investment.
81. It is difficult to assess the overall efficiency and effectiveness of Summary Courts and therefore Judicial Administration as there is limited performance information. The current Information Technology (IT) system is of limited use in producing useful performance information and neither Judicial Administration nor the Criminal Justice Board considers the performance of the court system against the outputs specified in the Strategic Policy Statement. We also found that Judicial Administration does not record costs by type of court or case, despite the budget being set in this way. In addition, Judicial Administration has not done any workforce planning to determine what staffing it needs to operate efficiently and effectively. A robust performance measurement framework, supported by financial analysis; and a workforce plan are essential elements of strategic planning and I have recommended that these are developed by Judicial Administration.
82. We found a number of inefficiencies in the system, some of which could be resolved through better use of technology. I note that Judicial Administration is in the process of upgrading its IT systems for the entire court system and the priority is the Financial Division. This IT upgrade has the potential to significantly improve the efficiency of Summary Courts, for example, by moving to online payments, e-ticketing and electronic court scheduling. I encourage Judicial Administration to roll out the new IT system to all courts as soon as possible.
83. Finally, there is scope to improve the justice system as a whole by establishing a high-level, strategic group made up of the most senior officers in all of the justice bodies to discuss and consider the efficiency and effectiveness of the entire justice system. This group could provide

opportunities to discuss proposed changes in one organisation and the potential knock-on consequences of these for others, which could help inform decision making and planning.

A handwritten signature in blue ink, appearing to read 'Sue Winspear', written in a cursive style.

Sue Winspear, CPFA
Auditor General
George Town, Grand Cayman
Cayman Islands

22 November 2019

APPENDIX 1 – ABOUT THE AUDIT

OBJECTIVE

1. The objective of this audit was to evaluate the efficiency of the Cayman Islands judicial system in handling Summary Court (including Traffic Court) cases. It sought to answer the following audit questions:
 - How is the judicial system currently performing?
 - Is the Judicial Administration using its resources efficiently and effectively?
 - Does the Judicial Administration have an effective relationship with stakeholders and court users?

CRITERIA

2. Audit criteria set out the expectations—or standards—against which an audit can assess observed performance in order to develop findings, make recommendations as appropriate, and conclude on audit objectives. We set the following audit criteria for assessing efficiency in the Summary Courts:
 - Summary Court cases are processed speedily and efficiently.
 - The Judicial Administration has a clear framework laying out the different processes, roles, authorities and responsibilities in relation to processing cases through the courts.
 - There is a shared understanding of how the judicial system operates and effective joint working among the main stakeholders to resolve issues.
 - The Judicial Administration maintains adequate performance measurement systems to assess and manage efficiency and effectiveness.
 - The Judicial Administration actively monitors issues and resolves bottlenecks in a timely manner.
 - The Judicial Administration compares its activities and processes against internationally accepted good practice.
 - Standards are in place and measured frequently.
 - Standards are periodically verified/validated against internationally accepted good practice.
 - The Judicial Administration is adequately staffed and equipped to carry out its objectives in a timely manner.
 - There is a workforce plan that outlines workforce needs in the longer term and is aligned to strategic plans and corporate priorities.
 - The Judicial Administration manages its finances efficiently and effectively.
 - The Judicial Administration has the facilities it needs to carry out its objectives in a timely manner.

- The Judicial Administration has good and timely information to inform decision making.
- A benefits realisation plan is in place for technological investment, which specifies what the intended benefit is and when it will be realised.
- Stakeholder feedback/input is evaluated and acted upon as needed to improve Judicial Administration operations.

AUDIT SCOPE AND APPROACH

3. The audit focused on the performance of Summary Courts in particular, which hear the majority of cases in the criminal justice system in the Cayman Islands. We sought data relating to activities, costs and results for at least the past three years. However, there was limited data available from the existing IT systems.
4. The audit was conducted in accordance with International Standards on Assurance Engagements. The approach to the audit included:
 - obtaining the agreement of relevant government officials to the audit criteria;
 - researching processes to gain a full understanding of activities;
 - interviewing key officials and practitioners in the justice sector;
 - reviewing documents;
 - researching information on international standards for assessing court performance;
 - analysing audit evidence and assessing against agreed criteria to develop findings, recommendations and a conclusion on the audit objective;
 - providing a draft report to relevant government officials for review of factual accuracy and obtaining responses to the report's recommendations (see Appendix 2);
 - presenting a final report of the audit to the Legislative Assembly.

AUDIT STAFF

5. The audit was carried out under the direction of Angela Cullen, Director of Performance Audit and assisted by Brittany Boden (Audit Trainee) and Miranda Alcock (external consultant).

APPENDIX 2 – RECOMMENDATIONS

Recommendation	Management Response	Responsibility	Date of planned implementation
<p>1. Judicial Administration, together with all the criminal justice partners, should establish a performance management framework for the criminal justice system that includes measures and agreed standards, including the time taken for cases to proceed through the courts, the number of outstanding trials and the views of court users. Progress against these measures and standards should be a monitored and reported regularly.</p>	<p>Chief Officer would receive instructions from the Hon. Chief Justice to determine the nature and extent of engagement.</p>	<p>Chief Officer in consultation with Hon. Chief Justice.</p>	<p>Chief Officer to discuss with Chief Justice only and obtain his guidance on how to proceed – April 2020.</p>
<p>2. Judicial Administration should, with justice partners, monitor and evaluate the use of out-of-court disposals with a view to increasing their use in the justice system in the longer term if found to be efficient and effective.</p>	<p>This is a jurisdictional point, as there is currently no requirement legislative or other requirement for justice partners to report out of court disposals to Judicial Administration.</p>	<p>This would require legislative reform and/or Cabinet Policy approval - inter-ministerial engagement and resources to implement this process between justice partners. To be discussed with Hon. Chief Justice to obtain his guidance.</p>	<p>Chief Officer to discuss with Chief Justice Only and obtain his guidance on how to proceed – April 2020.</p>

Recommendation	Management Response	Responsibility	Date of planned implementation
<p>3. Judicial Administration should develop a risk register and change management plan for the implementation of AMANDA JEMS and identify success measures for the project, including how it will monitor progress in order to demonstrate value for money.</p>	<p>Judicial Administration agrees to the recommendation. Training in risk management required. Change Management Plan can be implemented.</p>	<p>Court Administrator and Clerk of Court in consultation with the Chief Justice.</p>	<p>Change Management Plan – January 2020. Risk Register – July 2020.</p>
<p>4. Judicial Administration and the other criminal justice organisations should work together to ensure that their IT systems enable effective sharing of information to avoid duplication and reduce the risk of errors in data input.</p>	<p>This is a jurisdictional point. These agreements have to be made at a Cabinet level with resources to support this initiative. Judicial Administration in principle supports this recommendation and through its own IT developments has overtly attempted to create its own system to be integrated with other systems in the future, if the need arises. JA cannot speak to whether other government IT systems have this capability. Engagement with E-Government to be continued and if this recommendation is to be realised IT funding and resources would have to be applied to implement.</p>	<p>Cabinet, Inter Ministerial Policy & Judicial Administration cooperation. Chief Officer to discuss with Chief Justice Only and obtain his guidance – March 2020.</p>	<p>Chief Officer to discuss with Chief Justice only and obtain his guidance on how to proceed – April 2020.</p>
<p>5. Judicial Administration should undertake financial analyses to identify the current costs of different types of cases being</p>	<p>Chief Officer would receive instructions from the Hon. Chief Justice to determine the means by</p>	<p>Chief Officer in consultation with the Chief Justice.</p>	<p>July 2020 only for cost analysis rationale to be completed.</p>

Recommendation	Management Response	Responsibility	Date of planned implementation
<p>processed through the Summary Courts. This can be used as a baseline to track the impact of future measures to improve efficiency.</p>	<p>which such cost analysis is to be conducted and the accompanying rationale where applicable for the same. This will require additional financial IT funding to customise JA database to monitor and calculate the costs in different cases</p>		
<p>6. Judicial Administration should, as a matter of urgency, engage with all court users to ensure that the design of the new court buildings takes into account the current and future needs of all stakeholders.</p>	<p>Judicial Administration supports ongoing engagement with stakeholders, recognising that the modifications to the existing plan is constrained to funding, and improvements or changes will be more geared towards services as opposed to the plant. Qualified Court Consultants are already engaged in this process.</p>	<p>Chief Officer in consultation with the Hon. Chief Justice.</p>	<p>April 2020</p>
<p>7. Judicial Administration should ensure that the Outline Business Case for the new court building is in line with good practice, including a clear evidence base that demonstrates the need for investment.</p>	<p>Judicial Administration has limited control over the Outline Business Case preparation in so far as this project has been outsourced to a private company who prima facie has met the initial procurement requirements of being skilled in the preparation of Business Cases. This requirement would have had to have been formed at the initial stages when the tender for Business Case developers was sought by the CIG. It is expected that</p>	<p>Ministry responsible for retaining PriceWaterhouseCoopers/ Cabinet.</p>	<p>N/A</p>

Recommendation	Management Response	Responsibility	Date of planned implementation
	good practice is being employed by the contracted party. The Outline Business Case is near completion save for final review of the draft.		
8. Judicial Administration should develop a workforce plan that identifies the number of staff required to ensure that Summary Courts and other courts operate efficiently and effectively in the future.	Management agrees with this proposal. This assessment will be required to analyse the growth of business in the Courts and the human resources required to support that business need. POCS or other consultancy services will be required to support Judicial Administration in this exercise. Some additional funding would be required for the assessment and appropriate funding allocated by the legislature to hire the relevant staff to meet the identified business need.	Chief Officer in consultation with the Chief Officer for the Portfolio of the Civil Service and the Hon. Deputy Governor.	Completion of Analysis – July 2020. Proposal for additional staff through Budget review – September 2020.
9. The Government should set up a senior strategic justice group that includes chief officers from all the organisations involved in delivering criminal justice in the Cayman Islands.	Chief Officer would receive instructions from the Hon. Chief Justice to determine the nature and extent of engagement.	Chief Officer in consultation with Chief Justice and active involvement from identified members of the Judiciary.	Chief Officer to discuss with Chief Justice only and obtain his guidance on how to proceed – April 2020.

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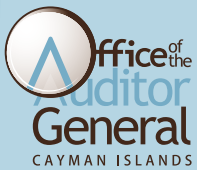
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NOVEMBER 2019