

A SPECIAL REPORT ON THE CORPORATE AREA FAMILY COURT – FIRST QUARTER OF 2020

A Special Report on the Corporate Area Family Court First Quarter of 2020

JANUARY TO MARCH 2020 (Highlights)

| | |
|--------------------------------------|--------|
| Gross Clearance Rate (%) : | 131.86 |
| Gross Disposal Rate (%) : | 41.69 |
| Average time to disposition (months) | 6.8 |

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Executive Summary

This report represents a continuation of expanded statistical reporting on case activity throughout the Jamaican court system. It covers the first quarter of 2020 and details case activity across the various types of matters heard at the Corporate Area Family Court. Reports of this nature form a crucial part of tracking the progress of the business lines in the Jamaican court system towards meeting important strategic objectives set out by the Honourable Chief Justice. Chief among these quantitative targets necessary to meet some of the strategic objectives are the attainment of a court-wide trial date certainty rate of 95% and an overall case clearance rate of 130% over the next 4-6 years. The realization of these and other aggressive targets would place the Jamaican court system among the bests in the World.

885 new cases were filed across the three macro business lines at the Corporate Area Family Court in the first quarter of 2020, while 904 were disposed and 263 became inactive. This produced an overall weighted case clearance rate of 131.86%, an improvement of 37.02 percentage points when compared to the 2019 calendar year. Roughly 41.69% of the new cases filed during the quarter were disposed or became inactive, representing the weighted case disposal rate across the three macro business lines. The three macro business lines mentioned here are the Criminal, Family and Family Child Welfare and Domestic Violence. The Family and Family Child Welfare business line is the largest, accounting for 558 or 63.05% of the new cases filed at the Corporate Area Family Court in the first quarter of 2020, followed by domestic violence matters with 220 or 24.86% and criminal matters with 107 or 12.09%.

The Corporate Area Family Court indeed satisfied the International standard on case clearance rate in the first quarter of 2020 with the impressive weighted clearance rate of 131.86%, while having a less impressive case disposal rate of 41.69%. With respect to the case clearance rate, the results reveal that roughly 132 cases were disposed in the first quarter of 2020, for every 100 new cases filed while roughly 42 of every 100 new cases filed were disposed.

The largest proportion of criminal matters filed at the Corporate Area Family Court was committal proceedings with 36.96%, followed by indictments with 31.15% and summary matters with 25.36%. The most common criminal charges brought before the court were matters of sexual intercourse with a person under 16, indecent assault, unlawful wounding and assault occasioning bodily harm. 86% of the offenders were male and 14% female while the average age of the accused persons was 15 years old. Among the more common reasons for adjournment and continuances for criminal matters heard at the Corporate Area Family Court in the first quarter of 2020 are those for referrals to the Dispute Resolution Foundation, for psychological evaluation to be done and for Social Enquiry Reports. The estimated average number of times that a case was mentioned in this criminal court in 2019 was 3.2, which is comparatively modest and is under the prescribed maximum of 5 mention dates per case. The average time which was taken to dispose of criminal cases which were resolved in the first quarter of 2020 was roughly 200 days or approximately 6.7 months. There were no criminal trials reported during the quarter and therefore no trial date certainty rate to report on. The case clearance rate on criminal matters handled in the first quarter of 2020 at the Corporate Area Criminal Court was 76.64% while the case disposal rate was 13.08%.

There was fairly strong output for the family and family child welfare business line at the Corporate Area Family Court in the first quarter of 2020. There was an estimated case clearance rate of 155.56%, which far exceeds the international standards and an estimated case disposal rate of 39.25%. Maintenance matters accounted for the highest proportion of the new cases filed in this business line with 49.81% while custody matters with 24.58% and declaration of paternity with 15.27% ranks next. Among the popular reasons for adjournment and continuance in this business line were adjournments due to the absenteeism of the respondent and applicant respectively, adjournments for institutional reports and adjournments due to the absence of counsellors. The estimated average number of mention per case in this macro business line was roughly 2, which is commendable as it falls well within the prescribe standard of a maximum of 5, while the average time taken to dispose of cases in the family and family child welfare business line which were resolved in the first quarter of 2020 was 190 days or roughly 6.3 months. Among the most popular methods of disposition across the three business lines in the Corporate Area Family Court in the first quarter of 2020 were by withdrawal, by a grant made by the Judge, by way of being struck out, matters transferred and mediated settlements.

In the Domestic Violence business line it took an average of 219 days or almost 7.3 months to dispose of the cases that were resolved in the first quarter of 2020. There was also a case clearance rate for 98.64% for these matters in this quarter while the case disposal rate stood at 61.82%.

Cumulatively, the Corporate Area Family Court continues to make a fairly strong overall contribution to the productivity of the Jamaican Court system.

Introduction

Over the past two and half years, an electronic data capture system has been implemented at the Corporate Area Family Court to promote efficient data collection and statistical reporting as well as improved case management practices. The system, now nearly perfected, is the foundation for the production of this Statistics Report on this court which details a range of case related activities in the first quarter of 2020. The specialized family courts are quite unique within the Jamaican court system, carrying out an array of functions on daily basis – in many ways functioning as a ‘one-stop shop.’ Among the primary functions carried out are on site counselling, filtering matters to offsite counselling locations, extensive open court hearings and adjudication and facilitating extensive operational logistics involving the collection of payments and pay-outs for matters such as maintenance. The Family Courts also tends to a number of distinct case types, namely criminal, civil, domestic violence and family and child welfare that includes maintenance, custody, adoption, declaration of paternity, guardianship, childcare and protection and uncontrollable child. In appreciation of the peculiar operational dynamics of the Family Court, this report seeks to provide a robust representation of both open court and non-court services, which the court offers to the public. According to the Judicature Family Court Act, the primary purpose of the Family Court is to prevent the breakdown of families and where this may be unavoidable to ensure that the welfare of its members and in particular children is safeguarded. The plethora of functions, both judicial and administrative which are performed by the Family Courts are therefore not surprising. In explain the structure of the handling of family matters in the Jamaican court system, the Judicature (Family Court) Act of 1975 outlines that:

Matters concerning the family of which our statute laws take cognizance are adoption, custody, maintenance, affiliation, juveniles in need of care and attention, juvenile offenders and divorce...the Resident Magistrate's Court (now parish courts) have jurisdiction in adoption, maintenance and affiliation. These courts along with the Supreme Court hear and determine matters relating to custody and guardianship. The law relating to juveniles in need of care and protection and to offending juveniles is principally administered by the Juvenile Courts, whilst the Supreme Court exercises exclusive jurisdiction in divorces.

The Family Courts are indeed an important part of the fabric of the justice sector and nation building and statistical reporting of this nature will contribute positively to the productivity of this court and improve the public's understanding and appreciation of its role and provisions. Together, these throughputs will redound to the benefit of the Jamaican society in both the long and short runs.

Structure of Report

This special annual report is subdivided into three primary chapters, the first focussing on open court operations for family criminal matters, the second on open court operations for family and family child welfare matters and finally on open domestic violence.

Methodology – Generating Court Statistics in Jamaica

Guaranteeing the reliability and validity of the data used to produce the periodic statistical reports for the Jamaican Courts is of utmost importance as we seek to produce a data driven enterprise for policymaking and operational decisions. As a result, a robust and verifiable system of data production has been created in both the parish courts and the Supreme Court. At the parish courts, a data capture system for criminal matters, called the CISS (Case Information Statistical System) has been operational in all courts for the past 4 years. This system captures a wide range of data on the progression of criminal cases from initiation to disposition and is manned by at least one dedicated Data Entry Officer (soon to be called Statistical Officers) in each court. These officers update the system on a daily basis so that the data produced is as close as possible to real time. The electronic data sheets for each parish court are then validated and backed-up to the network at the end of each month and the data submitted to a centralized, secure medium for processing by the Statistical Unit of the Supreme Court. A robust data validation mechanism is in place to periodically sample case files in all parish courts and the Divisions of the Supreme Court on a quarterly basis. A representative sample of case files are taken in each case and crosschecked against the electronic data to detect and eliminate errors of omission and commission.

The Court Statistics Unit at the Supreme Court produces various quarterly and annual court reports which are published on the website of the Supreme Court; however, interim data required by stakeholders may be requested through the Office of the Chief Justice.

Chapter One: Case Activity in the Criminal Section

Section 1.0: An analysis of Criminal Case Activity in the Family Courts in the first quarter of 2020

This Chapter of the document will examine a range of output and performance measurements for criminal matters in the Family Court for the first quarter ended March 2020. Such will involve analyses of caseload, case type distribution, case clearance rates and disposal rates as well references to the case backlog rate and on-time case-processing rate among other metrics.

Table 1.0a: Sampling distribution of the status of charges handled at the Corporate Area Family Court in the first quarter of 2020

| Number of charges handled | Number of active charges | Number of disposed charges | Number of inactive charges |
|---------------------------|--------------------------|----------------------------|----------------------------|
| 475 | 352 | 90 | 33 |

The above table shows a sampling distribution of 475 criminal charges that were handled at the Corporate Area Family Court in the first quarter ended March 31, 2020. At the end of the quarter, 352 or 74.11% of these charges were still active. A matter is considered inactive when no future court date is set, as is typically the case with warrant matters. 33 or 6.95% of these charges originating were inactive at the end of the first quarter, while 90 or 18.95% were disposed.

Table 1.0b: Sampling distribution of the status of cases handled at the Corporate Area Family Court in the first quarter of 2020

| Number of individual cases handled | Number of active cases | Number of cases disposed | Number of cases inactive |
|------------------------------------|------------------------|--------------------------|--------------------------|
| 316 | 234 | 59 | 23 |

The above table provides a sampling distribution of the case activity corresponding to the charges in the previous table. A sample of 316 criminal cases handled at the Corporate Area Family Court in the first quarter of 2020 is shown. Of the 316 new cases handled, 234 were still active at the end of the quarter, 59 were disposed and 23 were inactive. There was a ratio of 1 case to 1.50 charges handled in the quarter. In other words, for every 100 cases handled, there were 150 charges.

Table 1.0c: Distribution of cases statuses for criminal cases filed at the Corporate Area Family Court in the first quarter ended March 31, 2020

| Number of new cases filed | Number of active cases | Number of inactive cases | Number of disposed cases | Case Disposal Rate (%) | Case Clearance Rate (%) |
|----------------------------------|-------------------------------|---------------------------------|---------------------------------|-------------------------------|--------------------------------|
| 107 | 93 | 5 | 9 | 13.08 | 76.64 |

The above table provides a summary of the distribution of case statuses for criminal cases filed at the Corporate Area Family Court in the first quarter of 2020. Of the 107 new criminal cases filed at this court, 93 were still active at the end of the quarter, while 9 were disposed and 5 were inactive. This resulted in a case disposal rate of 13.08% for criminal cases filed. A more robust measurement of the productivity in any court is the case clearance rate, which provides a ratio of all cases disposed to the new cases filed. The data presented suggests that a total of 82 criminal cases were either disposed or became inactive in the first quarter of 2020, resulting in a case clearance rate of 76.64%. The Corporate Area Family Court has been employing the use of special disposal days throughout the course of each month, which are dedicated to bringing inactive and aged matters before open court in order to expedite disposition. This initiative is a potential model for other courts as it has yielded moderate success so far.

Table 2.0: Sampling distribution of case types for criminal charges filed at the Corporate Area Family Court for the first quarter ended March 31, 2020.

| Case Type | Frequency | Percentage (%) |
|-----------------------|------------|----------------|
| Committal Proceedings | 51 | 36.96 |
| Indictments | 43 | 31.16 |
| Summary | 35 | 25.36 |
| Petty Sessions | 9 | 6.52 |
| Total | 138 | 100 |

The above table shows that the largest proportion of the sample of 138 criminal charges filed at the Corporate Area Family Court in the first quarter of 2020. Of these, 51 or 36.96% were committal proceedings, 43 or 31.16% were indictments and 35 or 25.36% were summary matters. Petty Sessions with 9 or 6.52% accounted for the lowest proportion of the sample of criminal charges in the quarter ended March 31, 2020.

Table 3.0: Sampling distribution of the top five reasons for adjournment/continuance for the first quarter ended March 31, 2020

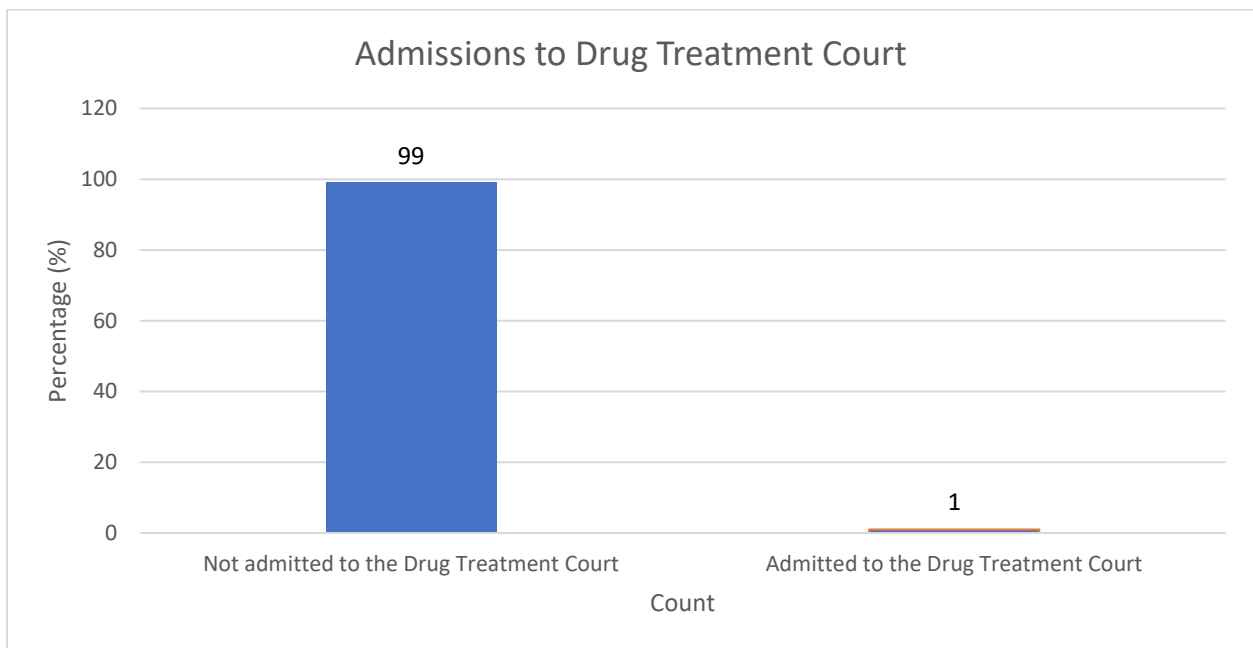
| Reasons for Adjournment | Frequency | Percentage (%) |
|---|------------|----------------|
| Social enquiry report requested | 96 | 23.47 |
| Psychiatric evaluation to be done | 25 | 6.11 |
| Referred to Dispute Resolution Foundation | 16 | 3.91 |
| Total | 137 | 33.49 |

Total number of adjournments/continuances sampled (N) = 409

The above data highlights the sampling distribution of some of the leading reasons for adjournment and continuance for criminal cases heard during first quarter of 2020 at the Corporate Area Family Court. From a sample of 409 adjournments/continuances, 96 or 23.47% were for Social Enquiry Reports, psychiatric evaluation to be done accounted for 25 or 6.11% and adjournments due referrals to Dispute Resolution Foundations (DRF) with 16 or 3.91%

rounds off the top three reasons for delay in the in the progression of cases at this court. The three reasons listed above, account for a total 33.49% of the sample of adjournments. The reasons for adjournment provide critical insights into the range of both internal and external factors, which explain delays in the court system. They therefore constitute an important part of computing the hearing and trial date certainty rates, which are a central measure of court performance.

Chart 1.0: Sampling distribution of referrals to the Drug Treatment Court



The above chart shows that from a sample of 100 children involved in matters in the Children’s Court in the first quarter ended March 31, 2020, 99% were not admitted to the Drug Treatment Court, while 1% was admitted to this court. The proportion of admissions into the Drug

Treatment Court provides an indication of the complexity of the dynamics involved in some cases, which in turn has implications for the times taken to dispose of some cases.

Table 4.0: Sampling distribution of mention court frequency

| | |
|------------------------|-------|
| Number of observations | 330 |
| Mean | 3.24 |
| Std. Error of Mean | .140 |
| Median | 2.00 |
| Mode | 1 |
| Std. Deviation | 2.543 |
| Skewness | 1.694 |
| Std. Error of Skewness | .134 |
| Range | 16 |
| Minimum | 1 |
| Maximum | 17 |

The above table displays the descriptive statistics on mention court frequency for criminal matters at the Corporate Area Family Court in the first quarter of 2020. It is seen that the average number of mentions per case is roughly 3.2, an indication that for every 10 cases there were 32 mentions. The median number of mentions was 2 and impressively the mode was one. The maximum number of mentions per matter in the quarter was 17, while the minimum was 1 mention. The standard deviation is relatively high, an indication that there were variations in the mention court frequency of individual cases around the average incidence. The positive skewness is an indication that most of the scores in the data set fell below the average mention court frequency; a result that is not surprising considering that the modal number of mentions is 1. These results are within the prescribed maximum rate of 5 mentions per matter, based on international best practices.

Table 5.0: Sampling distribution of methods of disposition for the first quarter ended March 31, 2020

| Method of Disposition | Frequency | Percentage (%) |
|-----------------------------------|------------------|-----------------------|
| Transferred | 22 | 25.58 |
| Dismissed for Want of Prosecution | 4 | 4.65 |
| Mediated settlement | 3 | 3.49 |
| Guilty | 2 | 2.33 |
| Committed to Circuit | 1 | 1.16 |
| Other methods | 54 | 62.79 |
| Sample size | 86 | 100.0 |

The above table summarizes the methods of disposition for a sample of 86 criminal charges disposed in the first quarter. Aside from the category “other methods”, it is seen that matters transferred to another court with 22 or 25.58% accounts for the largest share of dispositions in the quarter. Matters dismissed for want of prosecution with 4.65% and mediated settlements with 3.49% of the sample rank next.

Table 6.0: Sampling distribution of the types of sentencing/orders on matters occurring in the first quarter ended March 31, 2020

| Types of order/sentencing | Frequency | Percentage (%) |
|--|------------------|-----------------------|
| Probation Order | 14 | 43.75 |
| Withdrawn (Prosecution offers no further evidence) | 8 | 25 |
| Fit Person Order | 2 | 6.25 |
| Correctional Order | 1 | 3.13 |
| Supervision Order | 1 | 3.13 |
| Other | 6 | 18.75 |
| Total | 32 | 100.00 |

It is seen in the above table that from the sample of 32 orders made in the first quarter of 2020, the largest proportion were probation orders with 14 or 43.75% while matters withdrawn (Prosecution offers no further evidence) with 8 or 25% and fit person order with 6.25% rank next.

Table 7.0: Sampling distribution of times to disposition for the quarter ended March. 31, 2020

Descriptive Statistics (days)

| | |
|------------------------|-----------|
| Number of observations | 81 |
| Mean | 200.0617 |
| Std. Error of Mean | 19.04643 |
| Median | 158.0000 |
| Mode | 55.00 |
| Std. Deviation | 171.41786 |
| Skewness | .965 |
| Std. Error of Skewness | .267 |
| Range | 678.00 |
| Minimum | 5.00 |
| Maximum | 683.00 |

The above descriptive statistics provide a summary of the time taken to dispose of a sample of 81 matters which were disposed in the first quarter of 2020. It is seen that the average time taken to dispose of these cases was roughly 200 days or 6.7 months, while the median time was 158 days. The most frequently occurring time to disposition in 2019 was 55 days. The standard deviation suggests that there is a wide variation in the individual times, while the positive skewness suggests that a significant portion of the times in the data set fall below the overall average time to disposition. The maximum time taken to dispose of these cases was roughly 683 days or 1.9 years and the minimum was 5 days.

Case Demographics

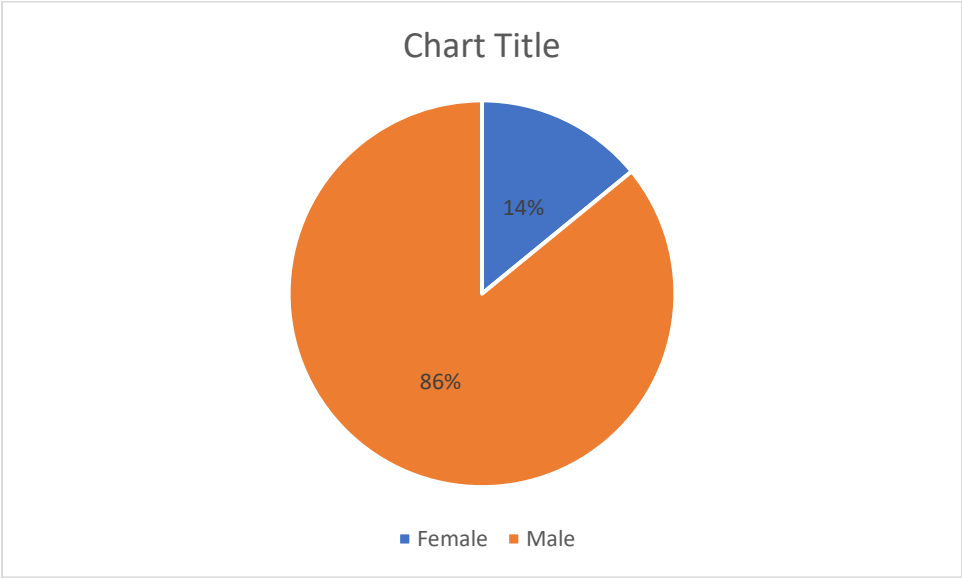
Table 1.0: Sampling distribution of the leading charges filed at the Corporate Area Family Court in the first quarter ended March 31, 2020

| Type of offence | Frequency | Percentage (%) |
|---|-----------|----------------|
| Sexual intercourse with a person under 16 | 23 | 15.33 |
| Indecent assault | 10 | 6.67 |
| Unlawful wounding | 10 | 6.67 |
| Assault occasioning bodily harm | 9 | 6.00 |
| Grievous sexual assault | 9 | 6.00 |
| Offensive Weapon | 9 | 6.00 |
| Total | 70 | 47 |

Sample of offences filed in the first quarter of 2020 is 150

The above table provides a summary of the most frequently occurring charges in first quarter of 2020 at the Corporate Area Family Court. Of a sample of 150 charges filed in the first quarter, it is seen that 23 or 15.33% were matters of sexual intercourse with a person under 16. This was followed by indecent assault and unlawful wounding with 10 or 6.67% each. Assault occasioning bodily harm, grievous sexual assault and being armed with an offensive weapon each accounted for 9 or 6% of the sample. Of the leading charges listed in the table above, sexual intercourse with a person under 16 years old had the highest proportion of male offenders with 100%, while Grievous sexual assault had the highest proportion of female offenders also with 50%.

Chart 1.0: Distribution of offences by gender for first quarter ended March 31, 2020



The above chart shows the distribution of offences filed by gender, using a sample of 149 matters. Males account for the overwhelming proportion of matters with 86%, while females accounted for 14% of matters filed.

Table 2.0: Breakdown of leading charges by gender in the first quarter ended March 31, 2020

| Charge | Male | | Female | | Total |
|---|-------|--------|--------|--------|-------|
| | Count | % | Count | % | |
| Sexual intercourse with a person under 16 | 23 | 100.00 | 0 | 0.00 | 23 |
| Unlawful Wounding | 7 | 70.00 | 3 | 30.00 | 10 |
| Offensive Weapon | 8 | 88.89 | 1 | 11.11 | 9 |
| Indecent Assault | 9 | 100.00 | 0 | 0.00 | 9 |
| Grievous Sexual Assault | 4 | 50.00 | 4 | 50.00 | 8 |
| Assault occasioning actual bodily harm | 5 | 62.50 | 3 | 37.50 | 8 |
| Disorderly Conduct | 0 | 0.00 | 6 | 100.00 | 6 |
| Malicious Destruction of Property | 5 | 100.00 | 0 | 0.00 | 5 |
| Simple Larceny | 5 | 100.00 | 0 | 0.00 | 5 |
| No Driver's License | 5 | 100.00 | 0 | 0.00 | 5 |
| Illegal Possession of Ammunition | 5 | 100.00 | 0 | 0.00 | 5 |

The above tables summarize the distribution of the leading charges filed by gender in the first quarter of 2020. Males are especially dominant with the charges of sexual intercourse with a person under 16 years old, indecent assault, malicious destruction of property, simple larceny, no driver's licence and illegal possession of ammunition with all accounting for 100% of the matters. As it relates to female offenders, the charge with the highest frequency was disorderly conduct with 6 or 100% of the total.

Table 3.0: Descriptive statistics on the age of offenders

Descriptive statistics (in years)

| | |
|------------------------|---------|
| Number of observations | 50 |
| Mean | 15.2400 |
| Std. Error of Mean | .18639 |
| Median | 15.0000 |
| Mode | 15.00 |
| Std. Deviation | 1.31801 |
| Skewness | -.353 |
| Std. Error of Skewness | .337 |
| Range | 6.00 |
| Minimum | 12.00 |
| Maximum | 18.00 |

The above descriptive statistics provide a statistical summary of the ages of offenders associated with a sample of 50 criminal matters handled in first quarter of 2020. It is seen that the average age is roughly 15.24 years. The oldest offender was 18 years and the youngest was 12 years old. Both the median and modal ages were 15 years old. The low standard deviation is an indication that the ages of offenders did not on average vary widely from the overall mean age. The negative skewness is an indication that there were more scores in the data set that are above the average.

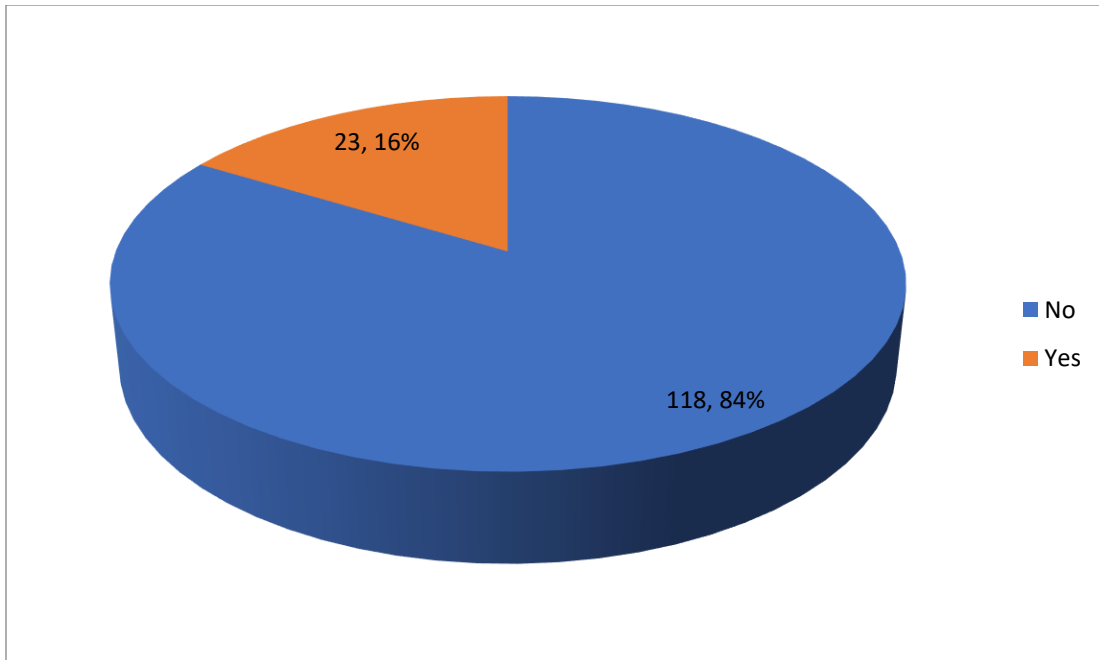
Table 4.0: Courtroom/outstation distribution for new matters heard in the first quarter ended March 31, 2020

| Courtroom | Frequency | Percentage (%) |
|--------------------------------|------------------|-----------------------|
| Children's Court | 145 | 92.95 |
| Courtroom #3 (main courthouse) | 7 | 4.49 |
| Gordon Town | 3 | 1.92 |
| Courtroom #2 (main courthouse) | 1 | 0.64 |
| Total | 156 | 100.00 |

It is shown in the above table that the overwhelming proportion of new criminal matters heard at the Corporate Area Family Court in the first quarter of 2020 took place in the Children's Court, which accounted for 145 or 92.95% of the matters heard. Courtroom number 3 with 7 or 4.49% of the sample ranks next, while the outstation in Gordon Town came next with 3 or 1.92%. Courtroom number 2 accounted for the smallest proportion with 0.64% of the sample.

Table 5.0: Custody incidence for new matters filed in the first quarter ended March 31, 2020

| Custody Status | Frequency | Percentage (%) |
|-----------------------|------------------|-----------------------|
| No | 118 | 83.69 |
| Yes | 23 | 16.31 |
| Total | 141 | 100 |



A sample of 141 juveniles brought before the Corporate Area Family Court for criminal proceedings in the first quarter of 2020 revealed that the vast majority 118 (84%) were not taken into custody, while the remaining 23 or 16% were taken into custody.

Chapter 2.0: Case Activity in the Family and Family Child Welfare Section

This section examines case activity for matters classified as family and family child welfare in the Corporate Area Family Court in the first quarter of 2020. Matters classified under the general case type category called family includes maintenance, custody, declaration of paternity and adoption, while matters classified as family child welfare includes uncontrollable child and childcare and protection.

Table 1.0: Distribution of Family and Family Child Welfare matters handled at the Corporate Area Family Court in the first quarter ended March 31, 2020

| Number of matters handled | Matters active | Matters disposed | Inactive matters |
|----------------------------------|-----------------------|-------------------------|-------------------------|
| 1993 | 787 | 916 | 290 |

The above table details the outcome of the 1993 Family and Family Child Welfare matters, which were handled by the Corporate Area Family Court in the first quarter of 2020. At the end of the quarter, 787 were still active and 916 were disposed. There remaining 290 matters were inactive at the end of the quarter.

Table 2.0a: Distribution of new Family and Family Child Welfare cases filed at the Corporate Area Family Court in the first quarter ended March 31, 2020

| Number of new cases filed | Active cases | Disposed cases | Inactive cases | Case Disposal Rate (%) |
|----------------------------------|---------------------|-----------------------|-----------------------|-------------------------------|
| 558 | 339 | 124 | 95 | 39.25 |

The above data shows that 558 Family and Family Child Welfare cases were filed in the first quarter of 2020, of which 124 were disposed, 95 became inactive and 339 were still active at the end of the quarter. This produced a case disposal rate of 39.25% for these types of cases.

2.0b: Clearance rate summary for the Corporate Area Family Court for the first quarter ended March 31, 2020

| New Family and Child Welfare cases filed | Gross number of inactive cases | Gross number of disposed cases | Case clearance rate (%) |
|---|---------------------------------------|---------------------------------------|--------------------------------|
| 558 | 206 | 662 | 155.56% |

The above Table shows that there was an aggregate of 662 family and family child welfare cases disposed in the first quarter of 2020 at the Corporate Area Family Court, 662 of which were disposed and 206 cases became inactive. This produced an impressive case clearance rate of 155.56% which far exceeds the international standard.

Table 3.0: Sampling distribution of the types of Family and Family Child Welfare cases filed in the first quarter ended March 31, 2020

| Types of cases | Frequency | Percentage (%) |
|---------------------------|------------------|-----------------------|
| Maintenance | 385 | 49.81 |
| Custody | 190 | 24.58 |
| Declaration of paternity | 118 | 15.27 |
| Child Care and Protection | 60 | 7.76 |
| Uncontrollable Child | 20 | 2.59 |
| Total | 773 | 100.00 |

A sample of 3208 matters filed at the Corporate Area Family Court in the first quarter of 2020 revealed that the largest proportion of cases filed were maintenance matters with 385 or 49.81%. This was followed by 190 or 24.58%, which were custody matters and 118 or 15.27% which were matters of declaration of paternity. Matters of childcare and protection with 60 or 7.76% rank next ahead of matters of uncontrollable child with 20 or 2.59%.

Table 4.0: Reasons for adjournment/continuance for Family and Family Child Welfare cases heard in the first quarter of 2020

| Types of cases | Frequency | Percentage (%) |
|---|------------------|-----------------------|
| Absenteeism of Applicant | 154 | 14.91 |
| Absenteeism of Respondent | 112 | 10.84 |
| Deoxyribonucleic Acid (DNA) Results Outstanding | 91 | 8.81 |
| Social Enquiry Report Outstanding | 78 | 7.55 |
| Adjourned for counselling | 45 | 4.36 |
| Total | 480 | 46.47 |

Sample size (n) =1033

The above table is derived from a sample of 1033 adjournments heard in the first quarter of 2020; the largest share, 154 or 14.91% were due to absenteeism of applicants, followed by adjournments due to the absenteeism of respondents with 112 or 10.84% and adjournments for Deoxyribonucleic Acid (DNA) results outstanding with 91 or 8.81%. Social Enquiry Report outstanding with 78 or 7.55% and matters adjourned for counselling with 45 or 4.36% ranks next. The listed reasons for adjournment account for 46.47% of the sample used.

Table 4.0b: Sampling distribution of mention court frequency for Family and Family Child Welfare cases for the quarter ended March 31, 2020

Descriptive Statistics (incidence)

| | |
|------------------------|---------|
| Number of observations | 1913 |
| Mean | 2.5593 |
| Std. Error of Mean | .04880 |
| Median | 2.0000 |
| Mode | 1.00 |
| Std. Deviation | 2.13429 |
| Skewness | 2.514 |
| Std. Error of Skewness | .056 |
| Range | 20.00 |
| Minimum | 1.00 |
| Maximum | 21.00 |

The above table displays the descriptive statistics on mention court frequency for family and child welfare matters at the Corporate Area Family Court in the first quarter of 2020. It is seen that the average number of mentions per case is roughly 2.6, an indication that for every 10 cases there were 26 mentions. The median time is 2 and modal number of mentions stood at 1. The maximum number of mentions per matter in the quarter was 21, while the minimum was 1 mention. The standard deviation is high, an indication that there is a wide variation in the mention court frequency of individual cases. The high positive skewness is an indication that the vast proportion of the scores in the data set fell below the average. These outputs are within the prescribed maximum rate of 5 mentions per matter, based on international best practices.

Table 5.0: Sampling distribution methods of disposition for the first quarter ended March 31, 2020

| Method of Disposition | Frequency | Percentage (%) |
|------------------------------|------------------|-----------------------|
| Struck out | 409 | 45.19 |
| Granted | 314 | 34.70 |
| Withdrawn | 83 | 9.17 |
| Other | 46 | 5.08 |
| Denied | 31 | 3.43 |
| Transferred | 22 | 2.43 |
| Total | 905 | 100.00 |

The above table summarizes the methods of disposition for a sample of 905 family and family child welfare matters in the first quarter of 2020. It is shown in the sample that the largest proportion of matters was disposed by being struck out, accounting for 409 or 45.19% of the sample of disposed matters. This was followed by matters disposed by way applications granted with 314 or 34.70% of the sample. Matters withdrawn with 83 or 9.19% of the sample rounded off the top three methods of disposition in the first quarter of 2020.

Table 6.0: Sampling distribution of the time to disposition for the first quarter ended March 31, 2020

Descriptive statistics (in days)

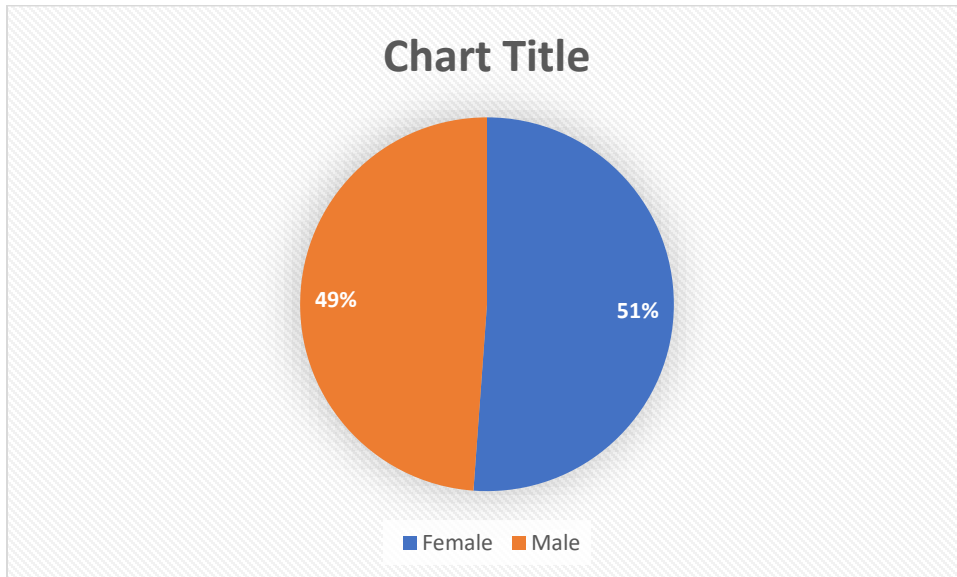
| | |
|------------------------|-----------|
| Number of observations | 467 |
| Mean | 190.3255 |
| Std. Error of Mean | 16.27888 |
| Median | 105.0000 |
| Mode | 126.00 |
| Std. Deviation | 351.78965 |
| Skewness | 6.119 |
| Std. Error of Skewness | .113 |
| Range | 3961.00 |
| Minimum | 1.00 |
| Maximum | 3962.00 |

The above table provides a descriptive statistical summary of the times taken to dispose of family and family child welfare cases at the Corporate Area Family Court in the first quarter of 2020. It is shown that from a sample of 467 cases disposed in the quarter, the average time to disposition was 190 days or roughly 6.3 months. The maximum time taken to dispose of the cases used in this sample was 3962 days or 11 years, while the lowest time taken was a day. The overall standard deviation of approximately 352 days was high, indicating a wide variation in the times to disposition. This is affirmed by the acutely high positive skewness, indicating a decisive leaning towards the lower times to disposition.

Section 2.0: Case initiation and case demographics – Family and Family Child Welfare matters in the first quarter ended March 31, 2020

In this subsection of the report, there is an examination of the case party demographics for the cases which had some activity in the first quarter of 2020, as well as the utilization of the counselling option offered to case parties at the point of filing a case.

Chart 1.0: Sampling distribution of the gender of children associated with cases handled for the first quarter ended March 31, 2020



The above chart shows that 51.3% of a sample of 735 children involved in Family Court cases filed was female, with males accounting for 49% of the sample.

Table 7.0: Descriptive statistics on age distribution of parties involved in cases filed in the first quarter ended March 31, 2020

| Case Type | Age Distribution (days) | | | | | | | |
|-------------------------------|-------------------------|-------------|-------------|--------------------|-------------|-------------|--------------|-----------------|
| | Average | Mode | Median | Standard Deviation | Skewness | Minimum | Maximum | Sample size (N) |
| Child Care and Protection | 11.17 | 14 | 13 | 5.29 | -1.05 | 0 | 17 | 23 |
| Custody | 6.39 | 3 | 5 | 4.58 | 0.48 | 0 | 17 | 190 |
| Declaration of Paternity | 11.27 | 1 | 6 | 13.92 | 1.79 | 0 | 57 | 118 |
| Maintenance | 7.21 | 4 | 7 | 5.04 | 0.46 | 0 | 22 | 370 |
| Uncontrollable Child | 15.29 | 4 | 7 | 1.50 | -0.26 | 13 | 17 | 7 |
| Total/Weighted Average | 7.87 | - | - | 7.45 | 2.72 | - | - | 708 |
| Standard Deviation | 7.45 | 5.07 | 3.13 | 4.65 | 1.05 | 5.81 | 17.46 | 147.69 |
| Skewness | 2.72 | 1.90 | 1.84 | 1.60 | 0.32 | 2.24 | 2.15 | 1.02 |

The table above shows the descriptive statistics on a sample of age of parties involved in cases for each family and family child welfare case subtypes type for the first quarter ended March 31, 2020. The output produces a weighted average age of 7.87 years across the case subtypes. The average age for children involved in matters of uncontrollable child was 15.29 years, the highest among the listed case subtypes, while the average age for custody matters was the lowest with roughly 6 years. The modal ages range from a high of 14 for child care and protection matters to a low of 1 for declaration of paternity. The overall weighted average standard deviation is moderately high, suggesting that there is a reasonably wide spread of the scores around the overall mean. Additionally, the overall skewness is positive, an indication that relatively more of the scores fall below the overall average age.

Table 8.0: Distribution of cases by courtroom/outstation assignment for the first quarter ended March 31, 2020

| Courtroom/Outstation | Frequency | Percentage (%) |
|------------------------------------|------------------|-----------------------|
| Courtroom #3 (main courthouse) | 272 | 35.19 |
| Courtroom #2 (main courthouse) | 266 | 34.41 |
| Courtroom #1 (main courthouse) | 143 | 18.50 |
| Children's Court (main courthouse) | 78 | 10.09 |
| Gordon Town Outstation | 14 | 1.81 |
| Total | 773 | 100.00 |

The above table shows the distribution of family and family child welfare cases filed by courtroom of assignment. It is shown that courtroom 3 with 272 or 35.19% of the matters accounted for the highest proportion of cases heard, while courtroom 2 with 266 or 34.41% of

the cases is next. Courtroom 1 with 143 or 18.50% of the cases heard rounds off the top three accommodations in the sample.

Chapter 3.0: Summary of case activity for Domestic Violence matters filed in the first quarter ended March 31, 2020

The below subsection provides a basic summary of case activity for Domestic Violence cases filed at the Corporate Area Family Court in first quarter of 2020.

Table 1.0: Summary of matters filed in the first quarter ended March 31, 2020

| New matters filed | Matters active | Matters inactive | Matters disposed |
|--------------------------|-----------------------|-------------------------|-------------------------|
| 285 | 112 | 25 | 148 |

The above table shows that 285 Domestic Violence matters were filed in first quarter of 2020, 112 of which were still active at the end of the quarter. 148 of the matters filed were disposed and 25 were inactive at the end of the quarter. Table 2.0 provides further analysis of the equivalent number of domestic violence cases filed and the case disposal rates.

Table 2.0a: Summary of case activity for the first quarter ended March 31, 2020

| New cases filed | Active cases | Inactive cases | Disposed cases | Case Disposal Rate (%) |
|------------------------|---------------------|-----------------------|-----------------------|-------------------------------|
| 220 | 84 | 20 | 116 | 61.82 |

An equivalent number of 220 new domestic violence cases were filed in the first quarter of 2020, of which 84 were active, 20 were inactive and 116 were disposed at the end of the quarter. This produces a disposal rate of 61.82% for the quarter.

Table 2.0b: Summary of gross case activity for the first quarter ended March 31, 2020

| New Domestic Violence cases filed | Gross number of Inactive cases | Gross number of Disposed cases | Clearance Rate (%) |
|--|---------------------------------------|---------------------------------------|---------------------------|
| 220 | 34 | 183 | 98.64 |

The data above shows that there were a total of 217 Domestic Violence cases which were either disposed or became inactive in the first quarter of 2020 at the Corporate Area Family Court. This produces a case clearance rate of 98.64%, which satisfies the international standard.

Table 3.0: Sampling distribution of Domestic Violence cases disposed in the first quarter ended March 31, 2020

Descriptive Statistics (days)

| | |
|------------------------|-----------|
| Number of observations | 100 |
| Mean | 219.1900 |
| Std. Error of Mean | 21.76131 |
| Median | 133.5000 |
| Mode | 92.00 |
| Std. Deviation | 217.61312 |
| Skewness | 1.512 |
| Std. Error of Skewness | .241 |
| Range | 728.00 |
| Minimum | 21.00 |
| Maximum | 749.00 |

The above table shows that the average time taken to dispose of a sample of 100 matters in the first quarter of 2020 was roughly 219 days or 7.3 months. The standard deviation of 218 days is

high, indicating that there's a wide dispersion of the individual times in the data set. The skewness of the data is positive, which is an indication that most of the observations fell below the overall mean score. The maximum time taken to dispose of these matters was 749 days or 2.1 years, while 21 days was the lowest time.

Table 4.0: Sampling distribution of the methods of disposition for the first quarter ended March 31, 2020

| Method of Disposition | Frequency | Percentage (%) |
|-----------------------|------------|----------------|
| Struck out | 135 | 58.95 |
| Withdrawn | 52 | 22.71 |
| Granted | 41 | 17.90 |
| Denied | 1 | .44 |
| Total | 229 | 100.00 |

The above table summarizes the methods of disposition for a sample of 229 domestic violence matters disposed in the first quarter of 2020 at the Corporate Area Family Court. It is seen that matters struck out account for the largest share with 135 or 58.95%. This was followed by matters withdrawn with 52 or 22.71% and matters with granted with 41 or 17.90%. The methods of disposition are completed by grants denied with 0.44% of the sample.

Summary of case activity for matters filed in the first quarter of 2020 at the Corporate Area Family Court

Table 1.0a: Summary of new case activity for cases in the first quarter ended March 31, 2020

| Aggregate New cases filed | Number of active cases | Number of Inactive cases | Number of Disposed cases | Weighted Case Disposal Rate (%) |
|---------------------------|------------------------|--------------------------|--------------------------|---------------------------------|
| 885 | 516 | 120 | 249 | 41.69 |

The above table provides a summary of total case activity cross all business lines at the Corporate Area Family Court for the first quarter of 2020. It is shown that there were a total of

885 new cases filed, of which number 249 were disposed and 120 became inactive, thereby producing a case disposal rate of 41.69% in the quarter. Domestic Violence cases with a case disposal rate of 61.82%, Family and Family Child Welfare cases with a disposal rate of 39.25% and Criminal cases with a rate of 13.08% completes the distribution of the case disposal rates across the macro case units.

Table 1.0b: Summary of aggregate case activity for cases in the first quarter ended March 31, 2020

| Aggregate New cases filed | Aggregate number of Inactive cases | Aggregate number of Disposed cases | Weighted Case Clearance Rate (%) |
|----------------------------------|---|---|---|
| 885 | 263 | 904 | 131.86 |

The above table shows that the Corporate Area Family Court disposed of 904 cases in the first quarter of 2020, while 263 cases became inactive. This produces gross weighted clearance rate of 131.86% across all the case types in the first quarter of 2020. Family and Family Child Welfare cases with 155.56% had the highest clearance rate, followed by Domestic Violence matters with 98.64% and Criminal matters with 76.64%.

Conclusion

This first quarter statistical report on case activity at the Corporate Area Family Court reveals a number of noteworthy findings which augur well for the existing and potential contribution of the court to meeting important quantitative objectives which have been set out by the Chief Justice, aimed at making the Jamaican court system into the best in the Caribbean region in the next 2-3 years and among the bests in the world in the next 4-5 years. The attainment of an overall case clearance rate of approximately 132% is quite telling. The case clearance rate based on types of matter ranged from a low of 76.64% for the criminal division to a high of 155.56% for family and family child welfare matters. These results are broadly consistent with findings from the 2019 annual report and speak well of the potential of the court to significantly reduce the average time taken to dispose of cases. In fact, the average time taken to dispose of cases resolved in the first quarter of 2020 at the Corporate Area Family Court was just under 7 months. The family courts may not comparatively have the high incidence of trials which some other areas of the court system do, however the last measured trial date certainty rate for this court was roughly 89%. Taken together these metrics show that the court is doing well and is poised to make a strong contribution to the overall performance targets set out by the Chief Justice for the judiciary over the next 2-5 years.

As the Jamaican court system continues to expand the inventory and utilization of family courts across the islands with new specialized facilities, this type of statistical reporting forms a good foundation and will be an important facet in monitoring and evaluating the progress of these courts. The statistical reporting on all specialized family courts will be a staple item in the

statistical reporting of the courts going forward. Such reports will be supplemented by data on family court matters in the non-specialized parish courts. These will be vital facets in the monitoring of the overall progress of the Jamaican court system towards achieving the key quantitative targets established in the strategic plan of the judiciary.

Glossary of Statistical Terms

Clearance rate: The ratio on incoming to outgoing cases or of new cases filed to cases disposed, regardless of when the disposed cases originated. For example, in a given Term 100 new cases were filed and 110 were disposed (including cases originating before that Term) the clearance rate is $110/100$ or 110%.

Note: The clearance rate could therefore exceed 100% but the disposal rate has a maximum value of 100%.

A persistent case clearance rate of less than 100% will eventually lead to a backlog of cases in the court system. The inferred international benchmark for case clearance rates is an average of 90%-110 annualized. This is a critical foundation to backlog prevention in the court system.ⁱ

Disposal rate: As distinct from clearance rate, the disposal rate is the proportion of new cases filed which have been disposed in a particular period. For example if 100 new cases are filed in a particular Term and 80 of those cases were disposed in said Term, then the disposal rate is 80%.

Note: A persistent case clearance rate of less than 100% will eventually lead to a backlog of cases in the court system.ⁱⁱ

Trial/hearing date certainty: This is the proportion of dates set for trial or hearing which proceed without adjournment. For example, if 100 trial dates are set in a particular Term and 40 are adjourned, then the trial certainty rate would be 60%. The international standard for this measure is between 92% and 100%.

Courtroom utilization rate: The proportion of courtrooms in full use on a daily basis or the proportion of hours utilized in a courtroom on a daily basis. The international standard for this rate is 100%.

Case congestion rate: The ratio of pending cases to cases disposed in a given period. It is an indication of how fatigued a court is, given the existing state of resources and degree of efficiency. A case congestion rate of 150% for example, is an indication that given the resources currently at a court's disposal and its degree of efficiency, it is carrying 1.5 times its capacity.

Case File Integrity Rate: Measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. The international benchmark for the case file integrity is 100%

Standard deviation: This is a measure of how widely spread the scores in a data set are **around** the average value of that data set. The higher the standard deviation, the higher the variation of the raw scores in the data set, from the average score. A low standard deviation is an indication that the scores in a data set are clustered around the average.

Outlier: An outlier is a value that is too small or too large, relative to the majority of scores/trend in a data set.

Skewness: This is a measure of the distribution of scores in a data set. It gives an idea of where the larger proportion of the scores in a data set can be found. Generally, if skewness is positive as revealed by a positive value for this measure, this suggests that a greater proportion of the scores in the data set are at the lower end. If the skewness is negative as revealed by a negative value for this measure, it generally suggests that a greater proportion of the scores are at the higher end. If the skewness measure is approximately 0, then there is roughly equal distribution of scores on both the higher and lower ends of the average figure.

Range: This is a measure of the spread of values in a data set, calculated as the highest minus the lowest value. A larger range score may indicate a higher spread of values in a data set.

Case backlog: A case that is in the court system for more than two years without disposition.

Source:

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/bestpractice/BestPracticeCaseAgeClearanceRates.pdf>

ⁱ *Source:*

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/bestpractice/BestPracticeCaseAgeClearanceRates.pdf>

Weighted Average: Weighted average is a calculation that takes into account the varying degrees of significance of the groups or numbers in a data set. In calculating a weighted average for a particular variable, the individual scores or averages for each group are multiplied by the weight or number of observations in each of those groups, and summed. The outcome is then divided by the summation of the number of observations in all groups combined. For example, if we wish to calculate the weighted average clearance rate for the parish courts, the product of the clearance rate and number of cases for each court are computed, added, and then divided by the total number of cases across all the parish courts. This means that a court with a larger caseload has a greater impact on the case clearance rate than a smaller court.

A weighted average can be more accurate than a simple average in which all numbers in a data set are assigned an identical weight.

Continuance and Adjournment: In a general sense, any delay in the progression of a hearing in which a future date/time is set or anticipated for continuation is a form of adjournment. However, in order to make a strict distinction between matters which are adjourned for procedural factors and those which are generally avoidable, court statistics utilizes the terms 'continuance' and 'adjournment'. Here, 'continuance' is used strictly to describe situations in which future dates are set due to procedural reasons and 'adjournments' is used to describe the circumstances in which future dates of appearance are set due to generally avoidable reasons. For example, adjournments for another stage of hearing, say from a plea and case management hearing to a trial hearing or from the last date of trial to a sentencing date are classified as 'continuance' but delays for say, missing or incomplete files, due to outstanding medical reports or attorney absenteeism are classified as 'adjournments'. Adjournments as

defined in this document have an adverse effect on hearing date certainty rates but continuances do not.