

An Organizational Review of The Informational Management System: A Case Study on Jamaican Courts in Preparation for the Introduction of The Regional System of Standardized Indicators for Peaceful Co-existence And Citizens' Security

Horatio Morgan¹, Dr. Suchismitaa Sengupta²,

¹Research Analyst, Supreme Court of Jamaica

²Associate Professor, IES Management College and Research Centre, Mumbai

Abstract: *The Jamaican Court System consists of two (2) separate arms as stipulated by the Jamaican legislation, the Judiciary and the Magistracy. Consequently, the court system was viewed in Jamaican law as two (2) distinct bodies; the Supreme Court of Jamaica and the Resident Magistrate Courts of Jamaica. Both courts are uniquely linked in the informational process flow of data. The objective of this study was to outline the Jamaican Court System's initiative and experiences to produce vital data for use by the Regional System of Standardized Indicator in Peaceful Coexistence and Citizen's Security Project (SES); specifically, focusing on the production and importance of the homicides and Intra-family/family indicators to sustain Jamaica's peaceful development.*

This case has been developed by employing the following methodologies:

- a) *Observation of informational system processes at each location*
- b) *Interview of internal stakeholders in-regards to the informational process flow*
- c) *Document review, mainly focusing on methodologies to undertake the research.*
- d) *Audits to ascertain knowledge of data collection importance and processes.*
- e) *Strengths, Weakness, Opportunities and Threats (SWOT) Analysis.*
- f) *The Congruence Model of Organizational Behaviour (Nadler & Tushman, 1981) was used to explain the court system as an open social system that receives input (data) from the Jamaican environment. Those inputs experienced various transformational processes resulting in specific outputs (information and reports).*

It was found that the Jamaican Court Informational System collected only summary/aggregate statistics, for example, the number of cases listed and the number of cases completed. This is an outdated practice and improvements in the country's informational management system would be necessary if the Court System was to actively participate in the SES.

Keywords: *Assessment, Analysis, Capacity, Data, Needs and Indicators*

I. INTRODUCTION:

The Jamaican Court System encompasses all fourteen (14) parishes of the island. For the purposes of this research, the courts were classified as being a part of one of the following divisions:

- The Criminal Divisions of the Supreme and Resident Magistrate Courts
- The Gun Court
- The Family Court
- The Children's Court
- The Coroner's Court

The Jamaican Court System was viewed as a composite of two discrete arms of justice, namely the Judiciary and the Magistracy. In accordance with the statutes of Jamaica, the Judiciary encompasses the firm of Judges who preside in the Court of Appeal, all divisions of the Supreme Court and of the Revenue Court. The Magistracy includes Resident Magistrates, who preside in the Resident Magistrates' (RM) Courts, the Family Courts and the Coroner's Courts. Those distinctions of judges and resident magistrates were stipulated in the Judicature (Supreme Court) Act, 1880 and the Judicature (Resident Magistrates) Act, 1925 of Jamaica. The Jamaican Court's information management system is manual, heavily paper-based and inadequate to provide needed real-time data. This challenge resulted in serious implications and issues for the efficacy, timeliness and

reliability of the country's data management system in out-putting the necessary information for social interventions by the country's government. This was the view expressed by Ejalu (2006), in relation to weak informational management system, This writer also focused on the challenges of having a variety of data locations and the "analysis paralysis" that accompanies this situation. Arising out of the Ministry of National Security's mandate to develop the country's first Integrated Crime and Violence Database System (ICVS) and Jamaica's agreement to participate in the SES; the data collection process would now be standardized, effective, efficient and complete. The initiative was in tandem with the guiding principles of transparency and accountability, through evidenced based policies, as stated in Jamaica's plan for national development, "Vision 2030". The implementation of this project would provide valuable important information for the development of those evidence based policies in a timely and efficient manner. This gap in the Jamaican Court Informational Management System would be studied, problems accurately identified and recommendations made to prepare the organization for active participation in the SES. To this end, homicide and violence were viewed as two (2) of the main social problems within our local society, Latin America and the Caribbean. Of particular importance to the Jamaican society was the prevalence of homicides/murders; our country was reported to experience approximately 49–56 murders or homicides per 100,000 individuals for the years 2008– 2010 (Regional Systems of Standardized Indicators in Peaceful Coexistence and Citizens Security, 2012). In addition to the Jamaica Constabulary Force, it was realized that the Jamaican Court system should also play an important part in monitoring and reporting the relevant violent demographics and locations within our society. This would lead to timely interventions in the lives of the pre-dominantly exposed individuals within our society.

Another area of great interest for the Jamaican Citizenry is that of Intra-family/family violence. The Jamaican Government (GOJ) does not currently report on this indicator to the Organization of American States (OAS). The implementation of the recommendations of this research would result in the capture of the necessary data needed for responding in a targeted manner, to the violence experienced in domestic relationships. The court system would naturally be a good point to commence this programme because it is already aligned to existing intervening social and security programs, such as the Drug Court Programme (DCP) and the Community and Justice Security Programme (CSJP).

II. METHODOLOGY:

The specific tools used for the Gap analysis were:

Diagnostic, Semi-structured Interviews

Those interviews volunteered information on issues surrounding the data collection and informational management process. The questions were focused and directed towards the identification and clarification of the courts statistical capacity and requirements for production, storage and dissemination of demographic and geographic data. These were semi-structured interviews with management, stakeholders and employees of each court. This method allowed for detailed, exploration of answers and further probing of unclear responses to previous questions such as, the individuals understanding of the importance of accurate data collection for policy decisions.

Audit of Reports

This technique allowed for probing of reports and data sources, resulting in a clearer understand of the actual duties being performed by officers assigned to collect and report data from each location.

Direct Observations

This technique was used to evaluate actions that data collectors may not have been consciously aware of. It allowed for the gleaning of facts and not opinions by visual evidence. Observation of the various processes within the work flow process, physical location, and final output of data was noted. This was an unobtrusive method to collect information that may have been distorted by the interviewer's interruption. It allowed for each step in the data collection process to be investigated and the confirmation of responses received in interviews.

Surveys

A telephone interview was conducted to introduce the programme and its objectives to all Court Administrators. This was preceded by the completion of an exploratory survey for the purposes of gathering

critical information before the site visits were conducted. This measure would direct the interviewer to the specific areas of need upon arrival at each court. The survey consisted of the following sections:

- Section 1- About the general data collection process
- This section detailed the number of staff members who deals with data collection within the department, the regularity of data collection and storage within the department, who receive the collected data and the informational process flow
- Section 2 – About the difficulties experienced in the data collection process
- This section sought answers about work related issues experienced by staff member, training requirement for staff member, issues with equipment and difficulties within the data collection process and recommendations that could possible rectify the situations.
- Section 3 – Measures and estimates
- This section allowed for the Court Administrators to state estimates of figures regarding weekly/monthly/quarterly number of cases completed and entering the system and the number of individuals needed to make the process efficient. It also gave them the opportunity to state what where the ideal situation under which they could operate.
- Section 4 – Issues relating to the conditions of the location
- This section sought answers regarding the state of the court’s building, infrastructure and management information system

Examination of Records

Documents examined were courts sheets, the March 2011 quarterly report submitted to the Office of the Chief Justice of Jamaica and other reports concerning court case figures. In particular, the quarterly reports were used as indicator proxies’ for each court average performance over one quarter (four (4) months). The records were also used to verify and validate the figures of cases stated by each court administrators.

Field Visits

All main offices in each parish were visited for inspection, and confirmation of information received. Opportunities for improvements and weakness were identified through this method. Interviews and observation were achieved through this process. This method allowed the researcher to interact with the stake holders within the data collection process and afforded one on one interaction between both parties. It also offered the stake holders an opportunity to accept ownership of the programme.

Theoretical Approach

Nadler and Tushman (1981) argued through their Congruence Model of Organizational Behaviour that organizations depend on the relationships among inputs, the transformational process and outputs. In this model the principle inputs were:

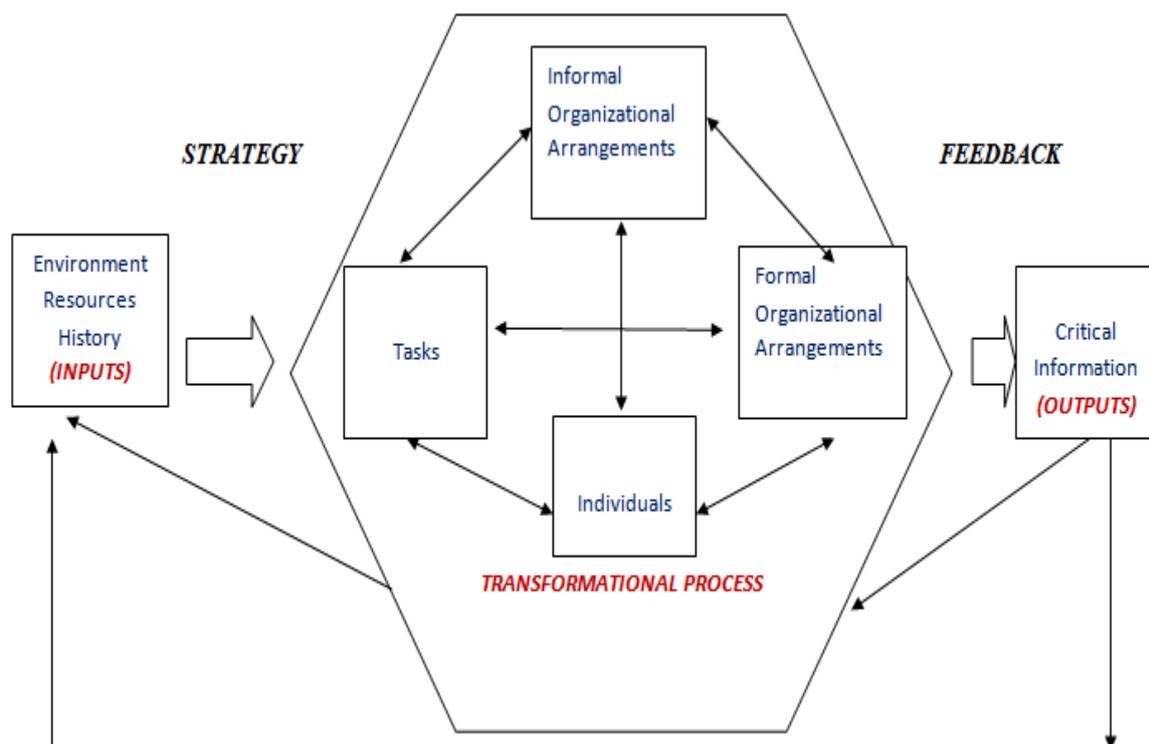
- The environment, which provides, constraints demands and opportunities;
- The resources available to the organization;
- The history of the organization; and
- The organization’s strategy; which was perhaps the most critical input because it consists of key decisions regarding the match of the organizations resources with the constraints, demands, and opportunities within the environment within the context of history.

The output system showed the effectiveness of the organization in performing in a manner consistent with the goals of its strategy. Specifically, the output includes not only organizational performance as a whole, but also its major contributor’s group performance and individual behavior performance. The transformational process of the organization consists of four (4) main components as follows:

- The tasks of the organization or the work to be done and its critical characteristics;
- The individuals who are to perform the organizational tasks;
- The formal organizational arrangements, which includes various structures, processes and systems that are designed to motivate individuals and to facilitate task completion
- The informal arrangements, which includes patterns of communication, power and influence as well as values and norms that were neither planned or written; but tend to emerge over time and ultimately

- characterize actual functioning (Graduate School, 2011). The actual process is shown in the diagram labeled figure 1 on the next page.

Figure 1, Below Illustrates the Different Stages Within The Congruence Model of Organizational Behaviour and Processes.



Mathematical Construct Developed to Determine Weekly Productivity Rates and Required Resources

This approach determined weekly productivity rates for the various aspects of data entry within the courts and the minimal resources needed by the courts to participate in the SES. The figures used for this analysis was obtained from the March 2011 quarterly court reports submitted to the Office of the Chief Justice of Jamaica. These reports captured four (4) month figures for the specified period. For each court, the quarterly figure was divided by sixteen (16); to reflect the number of weeks in a quarter. This resulted in a figure representing new cases entering the court on a weekly basis. The resulting number of cases would be used as a proxy for the number of data entry operators A mathematical construct was also developed through observation of current data entry rates within the court system to establish appropriate data entry productivity standards. It was estimated that under current conditions a data entry operator would be able to enter between 15 – 20 cases per day into a data base system. This theory was adopted to estimate the number data entry operators needed for each court in the Jamaican Court System.

Major Findings:

Physical Resources (Equipment)

- General lack of equipment such as computers, surge protectors and no database management system in place at the Resident Magistrates Courts to capture statistical data.
- Clerk of the Courts were not assigned individual computers, resulting in data being stored in books and court sheets.
- Limited number of computers assigned to clerks, affecting their capacity to capture and store relevant data

Human Resources

- a) The Jamaican Court System suffers from inadequate staffing; one (1) clerk is assigned to a court. This makes it difficult for the Clerk of Courts collect data, while managing the court at the same time; especially, when the court is mentioning new or part heard cases.

Spatial Problems

- a) The Jamaican Court System is hampered by the limited office space now available, many courts cannot accommodate any new furniture. The offices are overcrowded and documents are mainly stored in an unplanned fashion (any place available). The court offices need to be relocated and outfitted with modern furniture.

Training

- a) The Jamaican Court System's staff members need to be trained and sensitized to the importance of data capture and storage methods to national development.
- b) The Resident Magistrate's Court Staff members need to be trained in the use of the Judicial Management and Enforcement System (JEMS); which is the computer application used to store data in the Supreme Court of Jamaica

Data Collection Challenges

- a) The data is currently collected manually; in some cases, data is collected several months after it was actually recorded. The data collection process needs to be improved and a database system put in place to capture and store data on a daily basis to minimize errors and increase timeliness in obtaining results.
- b) The Jamaican Court System currently collects only summary and aggregate statistics

Data Currently Collected by the Jamaican Court System

Criminal Division (Supreme Court of Jamaica)

- Number of cases for trial in that term
- Number of cases disposed of during the term
- Number of cases traversed to another term
- Number of cases ending in Nolle Prosequi
- Number of cases transferred
- Bench Warrants Issued
- Probation Orders granted
- Guilty Pleas taken

Gun Courts of Jamaica

- New cases filed during the period under study
- Cases carried forward from previous year
- Cases disposed of with no evidence offered
- Cases disposed of through acquittals
- Convictions
- Cases dismissed for want of prosecution
- Deceased Accused
- Transfers to Circuit Courts
- Transfers to Resident Magistrates Courts
- Number of cases ending in Nolle Prosequi
- Total number of cases disposed of
- Number of pending cases in the system

Resident Magistrate Courts

- Number of new cases listed
- Cases brought forward
- Total cases listed
- Number of new cases disposed

- Number of cases brought forward disposed
- Total cases Disposed

Reasons for Adjournment of cases within the Resident Magistrate Courts of Jamaica

- Cases not reached for trial because of incomplete investigations
- Matters not reached
- Counsel absent
- Counsel request adjournment
- For probation report
- For sentencing/order
- For legal Aid assignment /settle representation
- Pending settlement
- Transfer to other courts
- Placed on Trial list
- Witnesses absent
- Psychological Evaluation
- Executed warrants
- Referral to mediation
- Compensation being pursued
- Placed on Preliminary Enquiry list
- New date fixed

Recommendations

General Court Processes and Systems

- 1) A management analyst intervention is needed to modernize the Jamaican Informational Management System; through the creation of a frame work for national policy development. The data collection functions should be standardized across the island. In-addition, where computers are being added to the existing structure, an in-depth organizational study of all positions and functions should be undertaken to ascertain the best work flow process.
- 2) The Family and Children's Courts should be modernized to respond to the needs of the Jamaican citizenry and international partners in all areas.
- 3) The implementation of a three (3) month pilot project in specific parishes to identify any potential challenges that would hinder the production of the required data.
- 4) The acquisition and implementation of the summary of resources needed in Appendix I

Management Informational System

- 1) The appointment of a Statistics Manager to monitor, direct and control the data collection process islandwide. The manager would be charge with the responsibility of maintaining the data collection efficacy within the courts.
- 2) The appointment of a JEMS Co-ordinator to respond in a timely manner to any issues that may arise with JEMS in the data collection process.
- 3) The parishes should be divided into six (6) regions; with one (1) Court Administrator responsible for reporting the data for that region for each month.
- 4) The six (6) recommended regions were based on the geography of the island. They are the Corporate Area (Kingston and St. Andrew), the Eastern Region (St. Thomas and Portland), the Northern Region (St. Mary, St. Ann and Trelawny), the Western Region (St. James, Hanover and Westmoreland), the Southern Region (St. Elizabeth and Manchester) and the South Eastern Region (Clarendon and St. Catherine).
- 5) The implementation of an Integrated Wide Area Network (WAN) with an appropriate platform to ensure the connectivity of the management informational system across all courts and the server; which is housed at the Supreme Court of Jamaica.
- 6) It is proposed that the information management system at each court be sampled for errors at least four (4) times per year to detect any lapse in the data quality or to maintain the high standards of the informational system.

Proposed Data/Variable for Collection, related to the Incident/Cases Processed in Criminal Divisions and Coroner's Courts

- Parish of Incident
- Police Division Police Station
- Date of Incident (Day/Month/Year)
- Time of Incident
- Place of Incident (Address/Lot/Community)
- Day of the Week Incident Occurred
- Type of Location where Incident Occurred (Home/Hospital/Street/Highway etc.)
- Number of Fatal and Non-fatal victims in Incident
- Type of Weapon Used
- Context of Incident (Robbery/Interpersonal/Domestic Violence etc.)
- A Short Explanation of the incident (whether it was a special day in the island etc.)

Proposed Data/Variable for Collection related to the Victim and Accused/Convict in the Criminal Division and Coroner's Courts

- Name (Last/First/Middle/Pet Name/Alias)
- Sex (Male/Female)
- Age
- Occupation
- Identification Document of Victim
- Residence (Address/Lot/Community)

**Proposed Data/Variables for Collection related to the Family Courts of Jamaica
Time: describes the moment of children maltreatment occurrence**

- Date: Day/Month/ Year
- Time: 00:00-23:59
- Date of Factual acknowledgement (Report made): Day/Month/ Year

Victim's Information

- Home address
- Age
- Gender
- Ethnicity
- School/ Education level
- Paid Job: Yes/No
- Pregnancy Situation: Yes/No
- Physical Disability: Yes/No

Data Related to Incident

- Parish of Incident
- Police Division Police Station
- Date of Incident (Day/Month/Year)
- Time of Incident
- Place of Incident (Address/Lot/Community)
- Day of the Week Incident Occurred
- Type of Location where Incident Occurred (Home/Hospital/Street/Highway etc.)

Aggressor/s

- Home address
- Age
- Gender

- Ethnicity
- Marital/ Status
- School/ Education level
- Employment Status: Employed/Unemployed/Self Employed

Nature of Maltreat

- Physical
- Emotional
- Sexual
- Psychological
- Neglect
- Case Outcome

III. DISCUSSIONS:

Hopkins (1994) reviewed various capacity assessment methodologies on behalf of the United Nations Development Programme (UNDP), to gain a better understanding of capacity building approaches and their correlation to developmental management. This was an initiative by the UNDP to promote self-reliance in developing countries in terms of the managerial technical, administrative and research capabilities required to formulate and implement developmental policies and plans. Within the context of the various approaches to capacity assessment, Hopkins (1994) reviewed many different approaches to establish the importance of internal capacity building with a strong and reliable data collection process at its core. It focused on critical methods and tools in the undertaking of such researches. Those methods were similar in nature to the one described in the Congruence Model Theory. It was important to acknowledge that international organizations such as the United Nations saw the need for a strong and robust informational management system within all countries; especially, lower income economies such as Jamaica. The Jamaican legislators also saw the need to have a reliable informational management system in place to develop evidenced based policies. Hence, they sought to introduce this measure into the country's policy framework. This was done through the passage of "Ministry Paper 56" in the nation's Parliament. Some of those key strategic objectives were as follows:

1. Delivery of high quality policy advice to government.
2. Social policy development, implementation and evaluation.
3. Reduction of waste in the Public Sector through targeted policy making.
4. Sustainable development through integrated policy making.
5. Evidenced based policy making.

Those objectives were further solidified by the Parliament through the acceptance and ongoing implementation of Jamaica's Vision 2030 Plan. This measure was highlighted by the guiding principle of "Transparency and Accountability". Specifically, noted in the National Goals as stated below;

1. The Jamaican society is secure, cohesive and just.
2. The Jamaican economy is prosperous and strong.

Through this modernization process, the court system would be mandated to develop an appropriate and effective informational system to assist with the provision of a legal policy framework within which justice services are effective and efficiently delivered to all. With this mandate in mind, the court system has embarked on programs of interventions and rehabilitation of offenders; to lower incidence and prevalence rates of crime and violence rates within the society.

If the court system was mechanized with an improved management informational system much could be done to stem the increase of crime and violence within the Jamaican society. The benefits that could be achieved from those measures are as follows:

1. A more effective justice system.
2. Identification through data, of the marginalized demographics of the society.
3. Fewer incidences of crime and violence resulting in safer communities.
4. Savings of vital funds from ineffective rehabilitative programmes.
5. More economic prosperity resulting from the influx of foreign investments.

Other benefit that could be accrued from the implementation of a reliable informational management system is the organization's empowerment to provide data for international organizations such as the United Nations and the Organization of American States (SES Project). The exchange of data could influence integration and communication amongst regional countries; resulting in a regional organization that is capable of successfully confronting and curtailing criminal activities associated with globalization. This move would also generate standardized practices, methods and indicators across participating countries; allowing for comparability of events amongst regional neighbours. In Jamaica's situation, this initiative would certainly influence improved efforts in tracking and recording changes in criminal activities islandwide; especially, the tracking of homicide rates and others required rates for reporting to the SES. The Jamaican Court System would be uniquely placed to capture data regarding criminally libel individuals within our society. Of particular importance to the SES, is this new opportunity for the court to be finally empowered to with the proper resource to provide the required data for Intra- family/family violence. Overall, this measure would strengthen the OAS regional initiative to create and sustain peaceful societies in the Americas; where families could thrive and prosper in a secure environment.

APPENDIX

Appendix 1: SUMMARY OF RESOURCES NEEDED IN SUB-SECTORS OF THE JAMAICAN COURT SYSTEM TO COLLECT, COLLATE, STORE AND DISSEMINATE STATISTICAL DATA

| COURTS | JEMS Licenses | Computers | Desks | Chairs | Surge Protectors | Data Entry Clerks |
|---|---------------|------------|------------|------------|------------------|-------------------|
| Court of Appeal | 24 | 2 | 2 | 2 | 2 | - |
| Criminal Division of the Supreme Court | 3 | 3 | - | - | 3 | 1 |
| Gun Court | 5 | 5 | 5 | 5 | 5 | 1 |
| Corporate Area Family Court | 11 | 11 | * | * | 11 | * |
| Corporate Area Criminal Resident Magistrate's Court | 39 | 34 | 12 | 12 | 34 | 12 |
| Corporate Area Coroner's Court | 4 | 2 | 2 | 2 | 2 | - |
| Special Coroner's Court | 4 | * | * | * | * | * |
| St. Catherine Resident Magistrate's Court | 23 | 21 | 4 | 4 | 4 | 4 |
| Manchester Resident Magistrate's Court | 11 | 7 | 6 | 6 | 7 | 3 |
| Clarendon Resident Magistrate's Court | 15 | 3 | 3 | 3 | 3 | 3 |
| St. Elizabeth Resident Magistrate's Court | 7 | 6 | 6 | 6 | 6 | 1 |
| St. Thomas Resident Magistrate's Court | 9 | 5 | 5 | 5 | 5 | 2 |
| Portland Resident Magistrate's Court | 10 | 6 | 6 | 6 | 6 | 1 |
| St. Mary Resident Magistrate's Court | 8 | 5 | 5 | 5 | 5 | 1 |
| St. Ann Resident Magistrate's Court | 15 | 7 | 3 | 3 | 3 | 3 |
| Trelawny Resident Magistrate's Court | 10 | 7 | 7 | 7 | 7 | 1 |
| St. James Resident Magistrate's Court | 18 | 10 | 10 | 10 | 10 | 4 |
| St. James Family Court | 11 | 6 | 6 | 6 | 6 | 2 |
| Hanover Resident Magistrate's Court | 10 | 10 | 10 | 10 | 10 | 1 |
| Hanover Family Court | 6 | 2 | 2 | 2 | 2 | 1 |
| Westmoreland Resident Magistrate's Court | 18 | 5 | 5 | 5 | 5 | 1 |
| Westmoreland Family Court | 7 | 2 | 2 | 2 | 2 | 1 |
| TOTAL | 268 | 158 | 101 | 101 | 127 | 43 |

*

Resources undetermined based on present conditions

- Resources not currently required

REFERENCES

- [1] Citizens Security Indicators for Latin America and the Caribbean (n.d.). In Sistema Regional de Indicadores Estandarizados de Convivencia y Seguridad Ciudadana. Retrieved April 9, 2012, from <http://www.seguridadyregion.com/>
- [2] Hopkins, T. J. (1994). Handbook on Capacity Assessment Methodologies: An Analytical Review. N.p.: United Nations Development Programme. Retrieved April 9, 2012, from <http://mirror.undp.org/magnet/cdrb/CAPMET~1.htm>
- [3] Nadler, D. A., & Tushman, M. L. (1981). Frameworks for Organizational Behaviour. A Model for Diagnosing Organizational Behaviour: Applying a congruence Perspective. In *Managing Organizations. Reading Cases* (pp. 35-48). Boston, Toronto: Little, Brown and Company. Retrieved April 11, 2012
- [4] Office of the Prime Minister (2003). *Government at your Service: Public Sector Modernization, Vision and Strategy 2002 - 2012*. Kingston, Jamaica: The Public Sector Reform Unit, Cabinet Office.
- [5] Planning Institute of Jamaica (2009). *Vision 2030 Jamaica: National Plan for Development*. Retrieved April 9, 2012, from <http://www.vision2030.gov.jm/NationalDevelopmentPlan/tabid/73/Default.aspx>