



OECS-CIDA
Judicial and Legal
Reform Project

OECS Case Profile Review 2000

An Analysis of Criminal
and Civil Cases in the
Magistrates Court of the
OECS

August 2002



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INTRODUCTION

1. OVERVIEW

Policy makers and Court officials in the OECS operate with limited information on the volume and type of cases going through the courts. They also lack any systematic record of who is before the courts, how cases are disposed of and what factors contribute to the speed with which cases work their way through the system.

This analysis represents a first attempt to address this information gap in a systematic and quantitative way. Information was gathered and analyzed for the year 2000 on some 28,000 cases coming before the Magistrates Court in each member State of the OECS.

Law students abstracted the information from court record books under the supervision of the Project Manager and the chief statistician of the OECS Secretariat. The results were entered into a statistical package for analysis, with results provided according to selected indicators.

Cases are divided into three main categories: criminal, civil and domestic. Information is reported on such matters as number of cases by type, profile of accused in criminal matters, nature of offence or issue, dates of filing and disposition, and how disposed of. Due to time and resource constraints, a report on domestic cases is available for St. Lucia only. Also, due to inadequate records, no reports on civil cases in Antigua and Dominica are available.

Information from cases filed and disposed of in the Magistrates Court provides managers and policy makers with much needed data to guide a range of programs, including more effective case management. The number and type of cases, how they are disposed of and how long they take to reach a conclusion, and basic information about who comes before the courts, are all fundamental pieces of information needed to guide court management and justice policy. From the standpoint of the JLR Project, the information also serves to provide a benchmark for the rate at which cases flow through the courts (an indicator of efficiency).

2. A CAVEAT

The reader is cautioned that this analysis represents a first attempt at compiling and reporting case information. What became clear during the data gathering stage is that there are often substantial gaps in the source data because not all officials in the Magistrates Court record information in a systematic and consistent way. Some jurisdictions are better than others at recording information.

The caution for the reader is that due to information gaps, the results provided in this report should be considered indicative rather than definitive. Nonetheless, we believe the report does provide useful insights into the workings of the Magistrates Court and kinds

of cases coming before it. The difficulty in securing the information also points up the great need for a more accurate and responsive recording and reporting system.

We would like to acknowledge the support provided by the Chief Statistician of the OECS Secretariat in developing the survey instrument and in guiding the work of the researchers. We are also grateful to the law students in each of the Islands who completed the data abstraction. They worked under difficult conditions with limited resources.

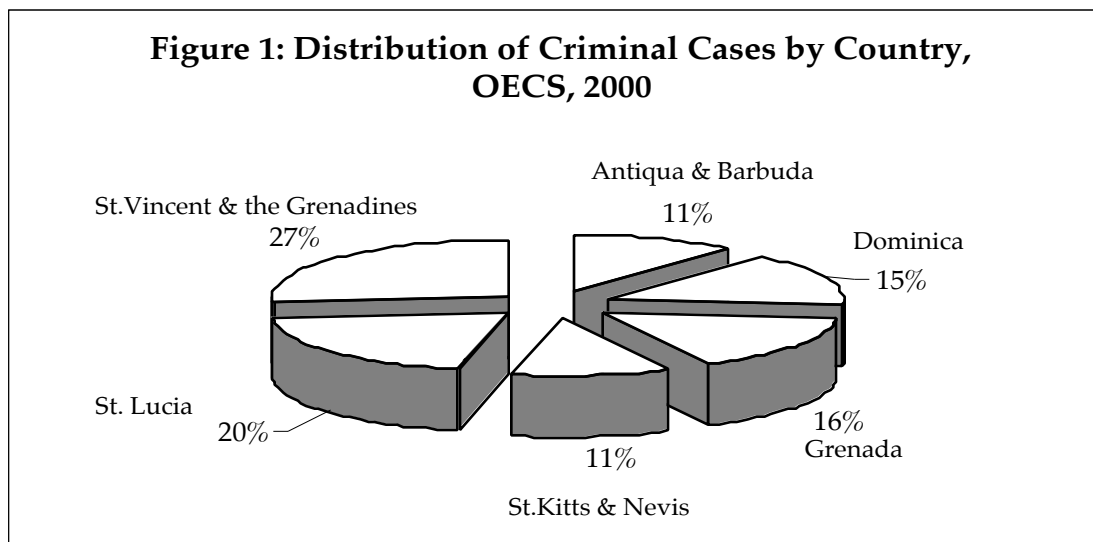
I.

CRIMINAL CASE REVIEW

1. DISTRIBUTION OF CRIMINAL CASES BY COUNTRY

Over 25,500 criminal cases are captured in the profile. The breakdown of the total by country can be seen in Table 1 and is displayed in Figure 1. The variation in total cases is accounted for by differences in case load, but also by the quality of the court record. Though the researchers did their best to capture every case in each court, poor record keeping in some instances may have resulted in less than complete coverage.

Table 1. Distribution of Total Criminal Cases by Country		
	Count	Percentage
Antigua and Barbuda	2,898	11.4
Dominica	3,814	14.9
Grenada	4,159	16.3
St. Kitts and Nevis	2,741	10.7
St. Lucia	5,150	20.2
St. Vincent and the Grenadines	6,750	26.5
Total	25,512	100



These cases were drawn from criminal court activity at the town, village, parish and district level: 54% were criminal cases active at the level of the district court, 30% at the town level, and village and parish courts accounted for 8.5% and 7% of the remaining cases respectively (Table 2).

	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Town	48.27	0.026	0.217	56.39	87.57	2.96
Village	12.22	0.052	0.024	17.47	12.37	10.58
Parish	35.45	-	0.120	25.94	0	0.015
District	4.05	99.92	99.639	0.183	0.058	86.43
Total	100	100	100	100	100	100

2. SPEED OF THE JUDICIAL PROCESS

The analysis covers cases disposed of in 2000. The average length of time between the date the offence occurred and the date the charge was laid with the court is 51.5 days. In just over 50% of the cases, the offence occurred and was disposed of in 2000, while for 40% of the cases, the offence occurred in 1999.

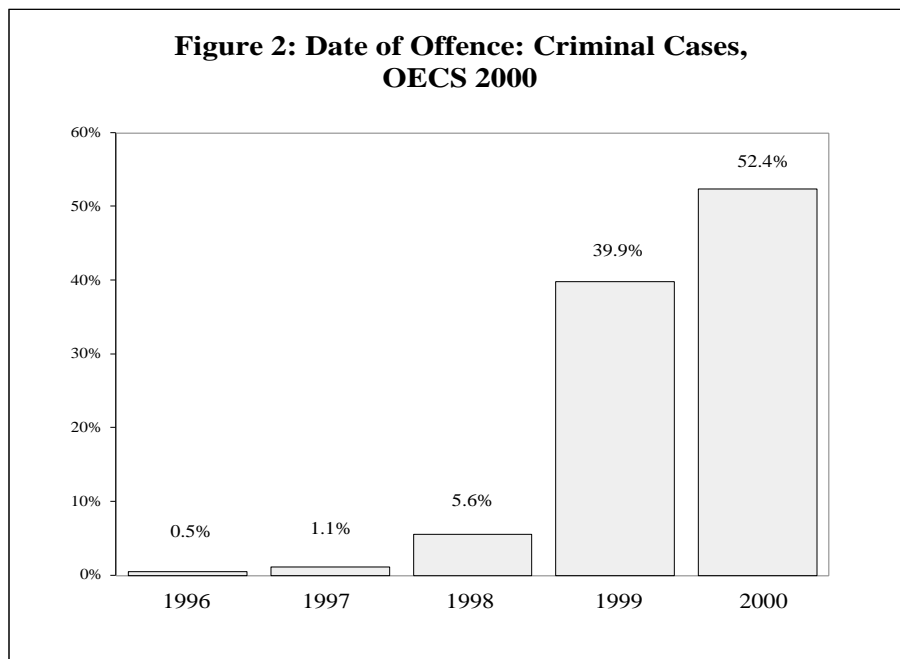
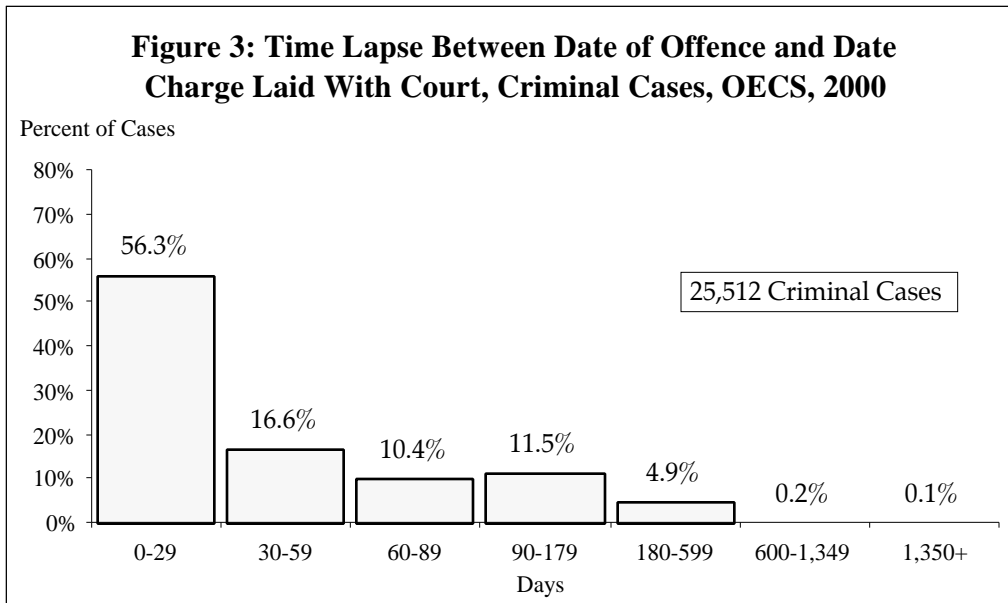
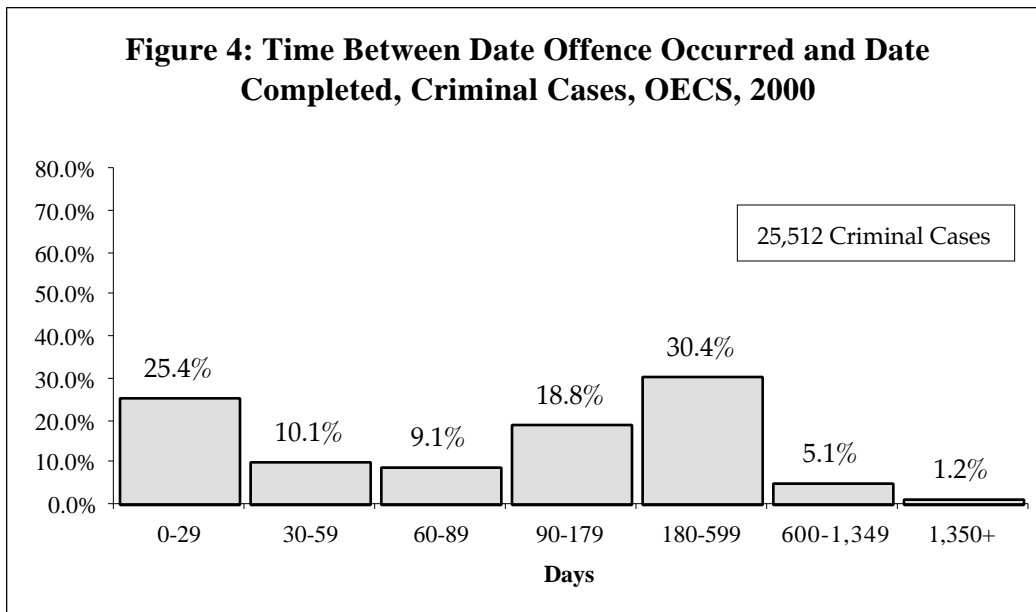


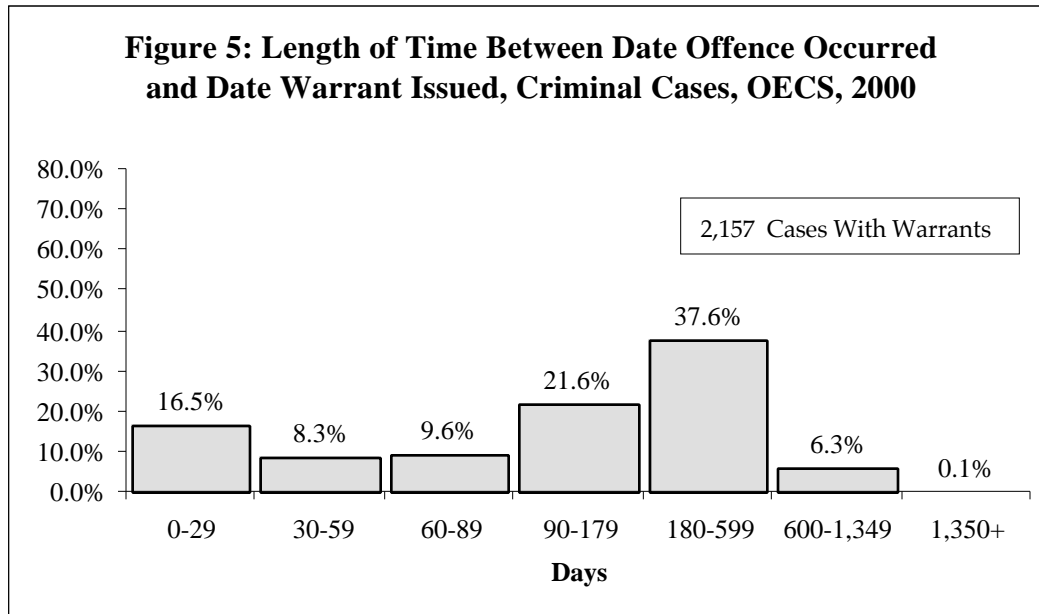
Figure 3 shows that for over 56% of cases, under 30 days elapsed between the date of offence and the date the charge was laid with the court. The elapsed time exceeded 90 days in over 15% of the cases.



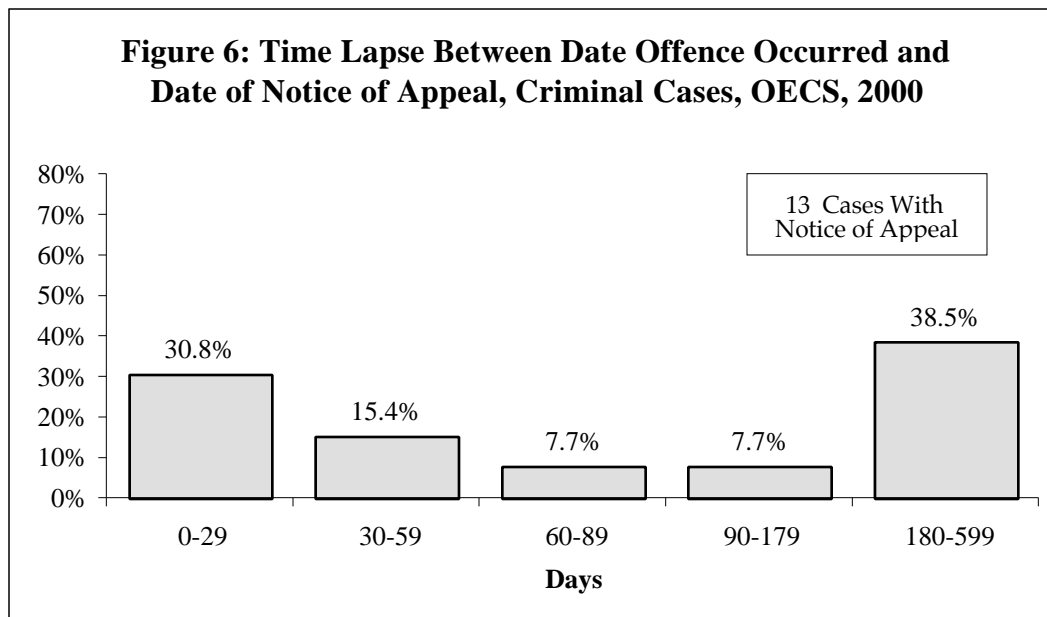
The elapsed time between the date of offence and the date the case was completed by the court shows a wide distribution. One-quarter of the cases were completed within 30 days of the offence. For over 35% of the cases, the elapsed time exceeded 180 days. The average length of time between the offence and case completion is 202 days.



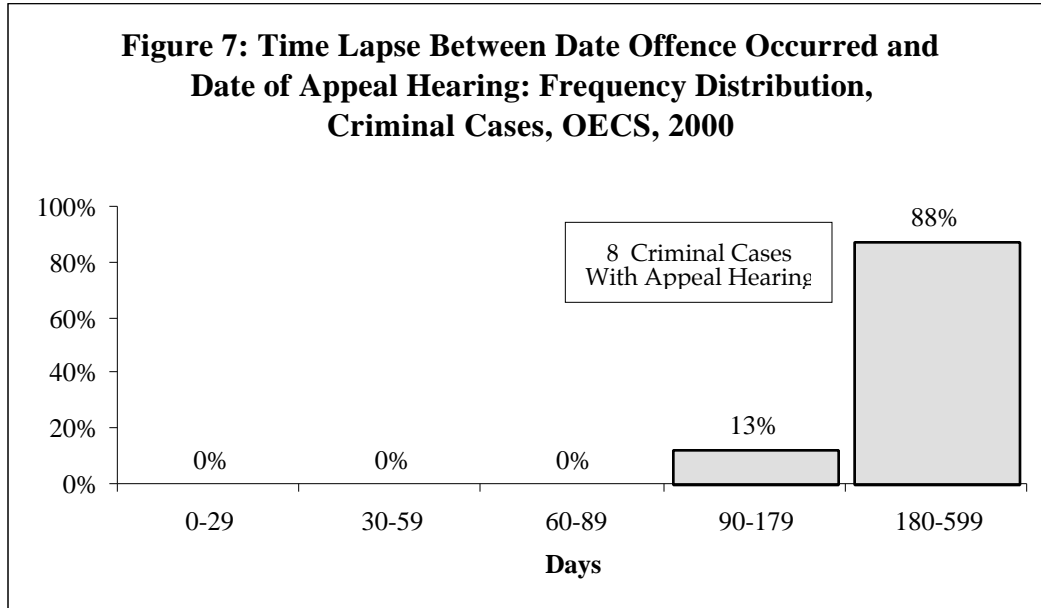
Records indicate that warrants were issued in fewer than 10% of cases (2,157). The average length of time between the date of the offence and the date the warrant was issued is 212 days.



The records indicate that notices of appeal were filed in only 13 cases, suggesting that record keeping may be inadequate for this matter. The average length of time between the offence and the date the notice of appeal is filed is 146 days.

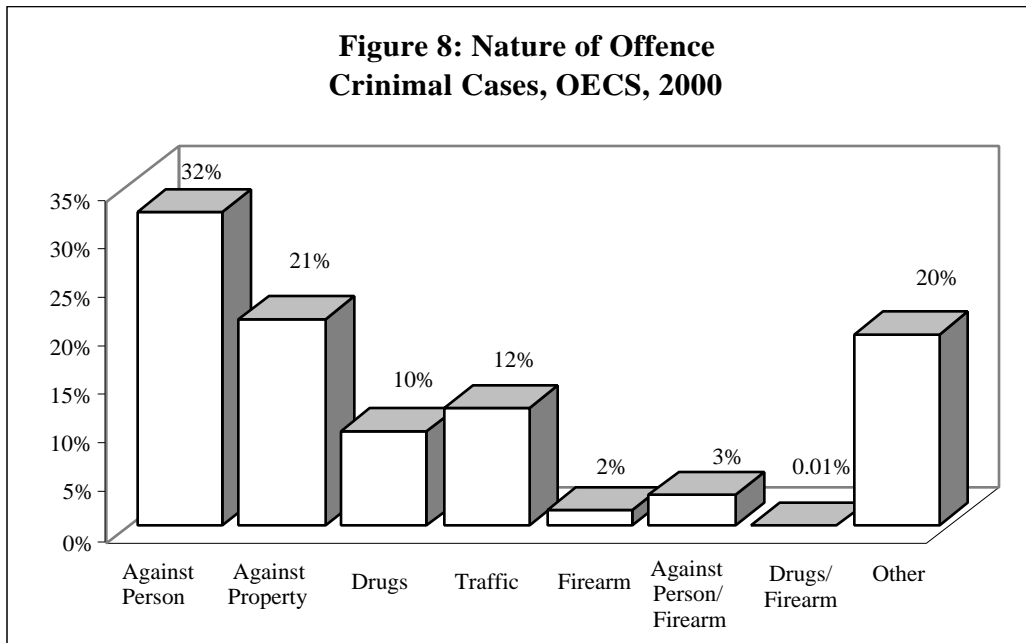


The average length of time between the date of the offence and the date of the appeal hearing is 331 days. The sample covers only eight cases for which records are available.



3. NATURE OF OFFENCE

Offences against the person are the most common case (32%), followed by offences against property (21%). One striking result emerging from this analysis is the large percentage of cases where the nature of the offence could not be identified. This percentage (20%) highlights the need for improved record keeping.

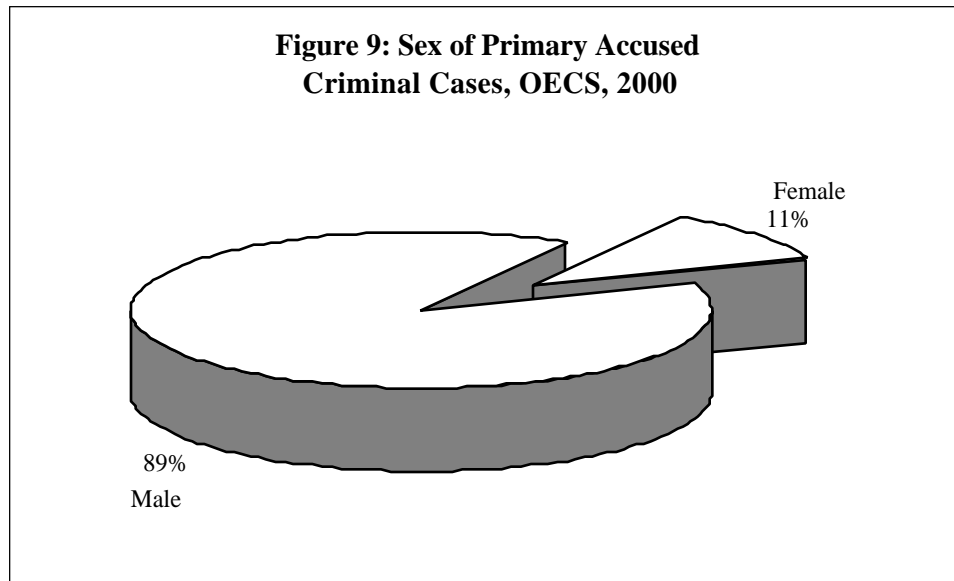


The distribution of offences by type is comparable across the OECS, with crimes against the person and property leading other categories. Lack of clarity in the records makes it difficult to identify all offences by type, resulting in a relatively large “other” category.

	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Against Person	21	37	24	35	32	38
Against Property	24	31	14	15	10	31
Drugs	13	9	9	4	10	11
Traffic	11	6	17	1	34	1
Firearm	3	1	-	2	2	2
Against Person & Firearm	-	1	7	11	1	2
Drugs & Firearm	-	-	-	-	-	-
Other	28	15	28	32	11	15
Total	100	100	100	100	100	100

4. AGE AND SEX OF ACCUSED

In almost 90% of cases, the primary accused was male (Figure 9). In those cases with a second accused, most were also males.



The records indicate that only a small percentage of accused are juveniles, except in Grenada where about 40% of accused are juveniles (Table 4). The data in Table 3 is at odds with anecdotal information collected through interviews with Magistrates and other officials in the justice system. This information suggests that criminal activity by juveniles is at relatively high levels and is rising. For example, the data for Grenada

seems in line with anecdotal information. Further analysis is necessary to confirm that the low percentages for the other states are due to inadequate reporting and record keeping.

	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Total Count of Cases	2,898	3,814	4,159	2,741	5,150	6,750
1 st Defendant						
% Male	83.50%	91.16%	89.78%	86.13%	91.55%	88.34%
% Juvenile	2.92%	1.80%	39.70%	1.51%	1.468%	0.616%
Count of Cases with 2 nd Defendant	208	225	149	121	109	349
2 nd Defendant						
% Male	70.67%	79.55%	77.85%	83.47%	77.98%	81.94%
% Juvenile	4.36%	3.30%	75%	1.80%	6.48%	2.04%

5. DISPOSITION OF CASES

Only just over half the criminal cases are disposed of through a hearing (Figure 10), with the proportion varying from a low of 40% for Dominica to a high of 60% for Grenada (Table 5). Over one-quarter of all cases are dismissed for want of prosecution, with the balance either withdrawn or struck out for various reasons. Dominica leads in cases withdrawn for want of prosecution (38%), while Grenada leads in cases struck out (25%).

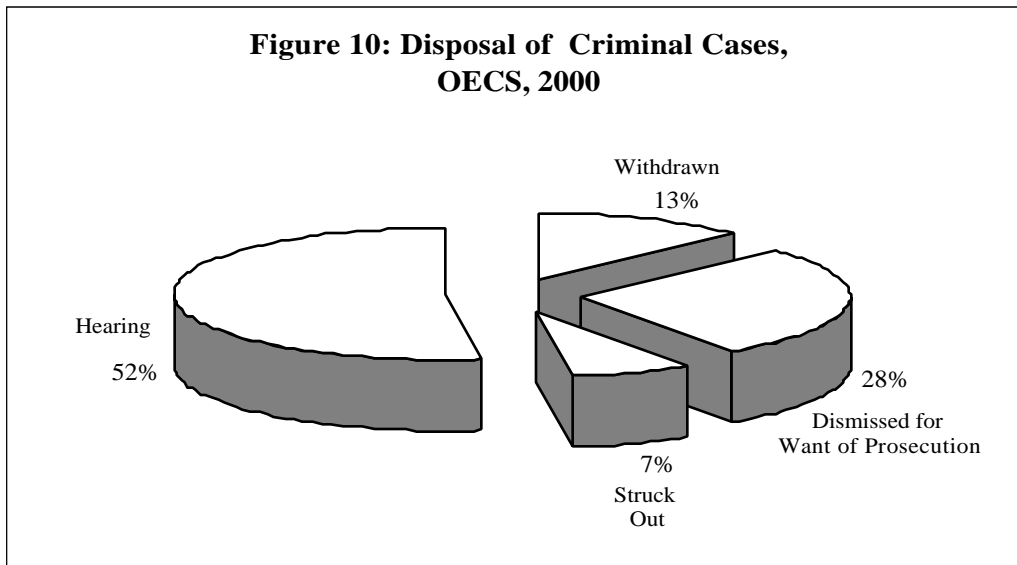
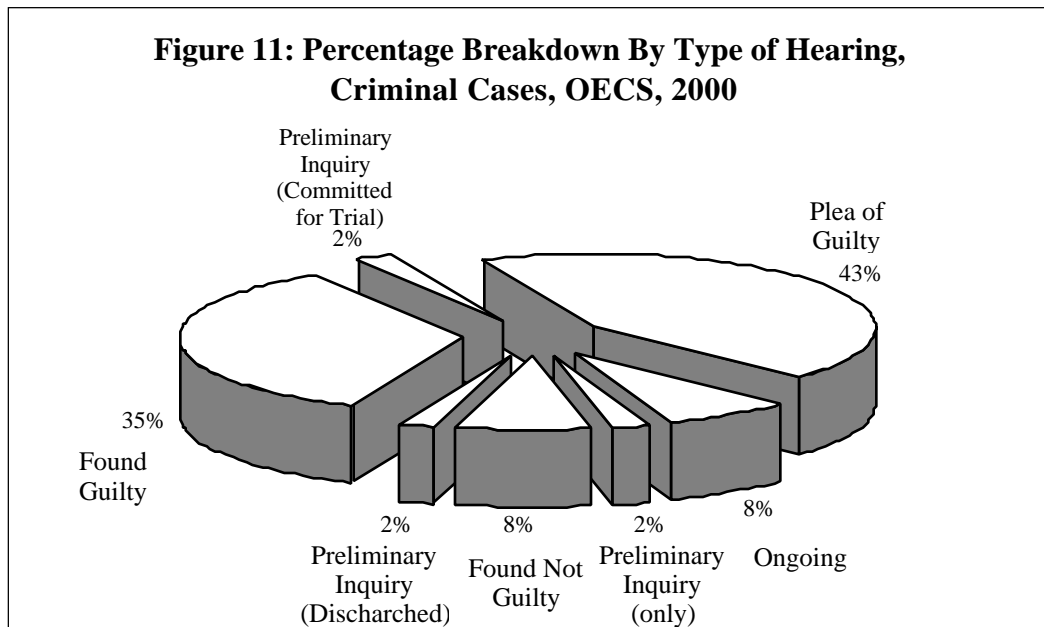


Table 5: Disposition of Cases						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
# of Cases	2,875	3,745	3,808	2,375	5,139	6,341
Percentage of Cases						
Withdrawn	18.78	14.47	3.02	23.57	14.04	10.28
Dismissed for want of Prosecution	27.37	37.83	10.16	26.65	25.31	34.42
Struck Out	0.31	7.61	25.63	0.42	7.72	0.88
Hearing	53.53	40.08	61.18	49.34	52.90	54.40
Total	100	100	100	100	100	100

6. RESULTS OF HEARINGS

Of the 12,711 criminal cases disposed of through hearings, those accused either pleaded guilty (43%) or were found guilty (35%). In under 8% of cases were the accused found not guilty.

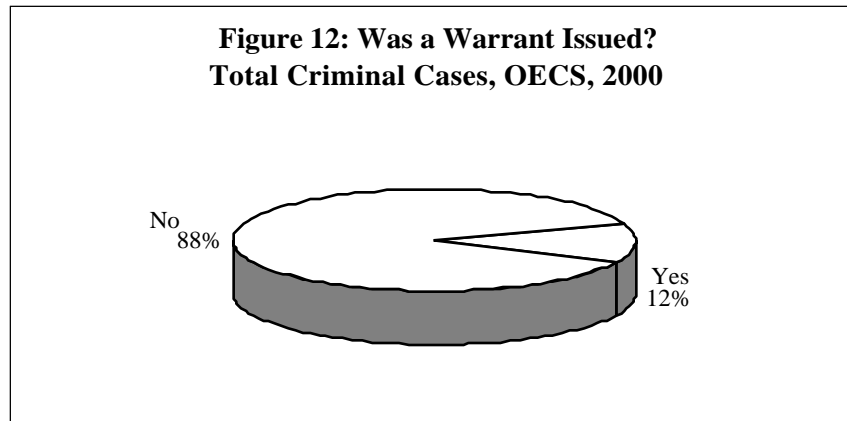


The results of hearings vary widely across the OECS (Table 6). In Dominica, Grenada and Antigua and Barbuda at least 50% of cases are resolved by a guilty plea. This would contribute to reducing the overall average length of time between the date of the offence and completion of the hearing. In St. Lucia and St. Kitts and Nevis, the records indicate that guilty pleas are relatively rare (about 4% and 8%, respectively), though most accused are found guilty (60-70%). Very few cases required a Preliminary Inquiry (generally fewer than 5%). The proportion found not guilty ranges from a low of under 1% in St. Lucia to about 9% in Antigua and Barbuda.

Table 6: Hearing Details by Country						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
# of cases reporting	1,557	1,593	2,566	1,206	2,716	3,864
Percentage Breakdown by Hearing Result						
Plea of Guilty	62.62	53.54	50.81	7.87	3.97	65.37
Found Guilty	20.8	38.16	34.13	69.73	61.89	10.06
Preliminary Inquiry (only)	2.1	0.3	0.15	0.99	0.07	6.18
Preliminary Inquiry (Committed for trial)	5.26	2.38	2.26	4.89	0.07	1.24
Preliminary Inquiry (Discharged)	0.06	0.62	3.04	0.74	4.12	1.52
Found Not Guilty	8.86	3.89	3.46	13.26	0.70	15.24
Ongoing	0.32	1.06	6.11	2.48	29.16	0.36
Total	100	100	100	100	100	100

7. WARRANTS

Warrants were issued in 2,157 cases (12%). Just over 40% of the warrants were issued in 2000, while the balance dated back to 1999 and earlier. Warrants were outstanding in just over 7% of cases, and the status was unknown for about 4%.

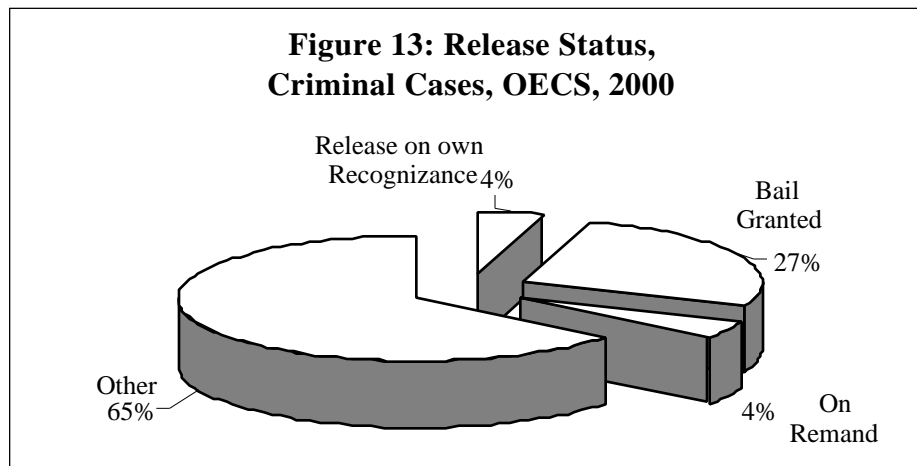


The use of warrants appears to be common only in Grenada (over 37% of cases), while in St. Kitts and Nevis, the need was limited to under 14% (Table 7). In all other countries the use of warrants occurred in fewer than 10% of cases (with St. Lucia reporting only just over 1%). Further analysis is needed to explain the variation.

Table 7: Information on Warrants by Country						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
% of cases with warrants issued	9.422	4.81	37.52	13.84	1.32	9.74
# of warrants issued	268	177	671	349	68	624

8. RELEASE STATUS

Release status of accused (prior to trial) was reported for 20,448 cases. Of these, 26.8% of accused were released on bail, 4.5% were released on remand, and 4.3% were released on their own recognizance (Figure 13). In the majority of cases (65%), no information on status is available from court records.



Release status is reported for most cases by all countries but St. Kitts and Nevis (compare Table 4 and Table 8). With the large percentage in “other” it is difficult to assess trends in status.

Table 8: Release Status by Percentage by Country						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
# of cases reporting	1,735	3,757	3,717	83	4,909	6,247
Percentage of Each Country						
Release on own Recognizance	3.51	13.28	1.74	4.81	0.32	3.77
Bail Granted	29.16	9.95	28.06	81.92	41.65	23.40
On Remand	3.63	6.52	3.47	6.02	3.80	4.56
Other	63.68	70.24	66.72	7.22	54.20	68.25
Total	100	100	100	100	100	100

9. REPRESENTATION

One notable result of the analysis of OECS criminal case files is the high proportion (82%) of cases where it is not known if the defendant in question was represented by legal council (Figure 14). In only 8% of the cases does the record indicate that the defendant was represented, while in 10% of cases the record indicates the defendant was not represented.

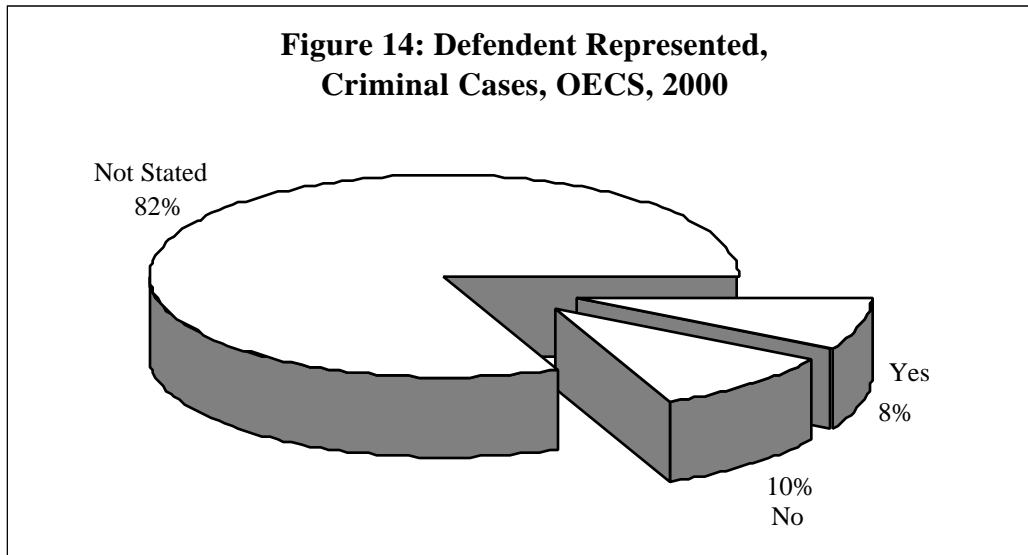
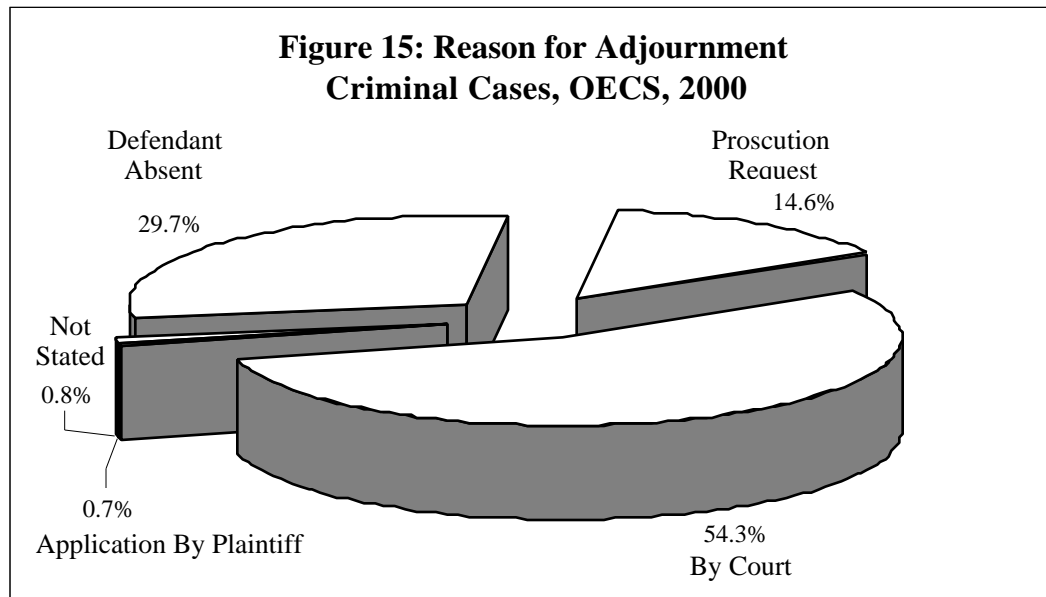


Table 9 provides a detailed breakdown of defendant representation information for the countries contained in the sample data. Only in St. Kitts and Nevis does the record address representation systematically, and there, over 90% of accused are unrepresented.

Table 9: Legal Representation						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Percentage of Cases						
Yes	17.22	10.30	7.27	8.25	5.04	6.70
No	3.86	0.72	1.14	90.63	0.03	0.56
Not Stated	78.90	88.96	91.58	1.11	94.91	92.73
Total	100	100	100	100	100	100

10. ADJOURNMENTS

Adjournments are common in the Magistrates Court. Half the cases reviewed (12,930 of 25,512) had at least one adjournment, with an overall average of 1.6 adjournments per case (one case reported 32 adjournments). In 54% of cases, the records show that adjournment is ordered by the court but no reasons are provided (anecdotal evidence suggests that non attendance of witnesses and counsel, as well as a lack of preparedness of prosecution, are common causes for adjournment). Other reasons include absent defendant (30%) and by prosecution request (15%).



The average number of adjournments varies widely across the OECS. Dominica and St. Lucia lead, with 2.9 and 2.7 adjournments per case. Table 10 provides a breakdown of the distribution of adjournment information by country.

Table 10: Adjourment Information by Country						
	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Average # of Adjourments	0.73	2.86	1.28	0.683	2.70	0.99
Reason for Adjourment						
Defendant Absent	38.9%	60.6%	35.5%	25.1%	20.1%	9.4%
Prosecution Request	28.9%	21.6%	3.2%	7.0%	16.7%	4.1%
By Court	30.0%	17.4%	57.8%	63.8%	62.9%	80.6%
Application by Plaintiff	0.6%	0.2%	1.7%	3.3%	0.1%	1.2%
No reason	1.7%	0.1%	1.8%	0.8%	0.1%	4.8%

11. SENTENCING

Sentencing results are fairly uniform across the OECS with respect to the frequency of type of sentence (Table 11). From one-quarter to one third of sentences involve imprisonment or imprisonment and fine. Most prison sentences are short, with the average less than two months. This average obscures the severity of many sentences. Where imprisonment without fine is imposed, the deviation around the average is just over 30 months. Where imprisonment with fine is imposed, the deviation around the average is just over 4 months. Reprimand and discharge is not uncommon in Antigua and Barbuda, Grenada and St. Vincent and the Grenadines, where it is applied in 13-16% of cases. The use of probation and community service is limited, occurring in only a small fraction of cases. This reflects in part the limited capacity to supervise.

	Antigua & Barbuda	Dominica	Grenada	St. Kitts & Nevis	St. Lucia	St. Vincent & the Grenadines
Fine/imprisonment	36.0%	45.4%	32.8%	45.6%	62.2%	42.1%
Ave fine	1,522.77 \$	383.91 \$	429.59 \$	217.36 \$	948.44 \$	352.63 \$
Ave # of months	1.28	1.24	0.79	0.86	1.72	2.16
Imprisonment	12.7%	16.8%	5.5%	18.9%	11.5%	10.5%
<i>Ave # of months</i>	4.26	0.95	0.38	0.37	1.174	1.01
Reprimand & Discharge	16.4%	7.2%	13.3%	7.7%	10.8%	15.8%
Probation	4.2%	0.5%	0.0%	1.1%	1.0%	0.01%
<i>Ave # months</i>	1.198	0.09	0.004	0.37	0.12	0.03
Bond	4.3%	2.4%	3.7%	6.5%	8.0%	17.1%
Ave # of months	0.45	0.20	0.16	0.49	0.97	1.82
Ave fine	28.15 \$	27.92 \$	4.14 \$	34.91 \$	20.16 \$	136.68 \$
Community Service	4.3%	0.6%	0%	6.5%	1.3%	1.2%
Compensation	5.8%	6.8%	3.7%	0.8%	3.7%	6.4%
Other	16.3%	20.2%	41.1%	12.9%	1.5%	6.8%

12. APPEALS

Appeals are recorded for only 19 criminal cases. Though the number of appeals from the Magistrates Court is known to be low, this is less than .002% of the cases in which trials led to guilty verdicts (9,900), suggesting inadequate recording of the appeal process. Overall, most of appeals were allowed (68%), with 15% dismissed on merit, and 9.3% dismissed for want of prosecution.

	St. Kitts & Nevis	Grenada
# of Appeals		
by Prosecution	1	1
by Accused	8	9
Result (by % of cases with Appeals)		
Allowed	14.28	87.50
Dismissed	57.14	-
Dismissed for want of prosecution	14.28	8.33
Other	14.28	4.16

II.

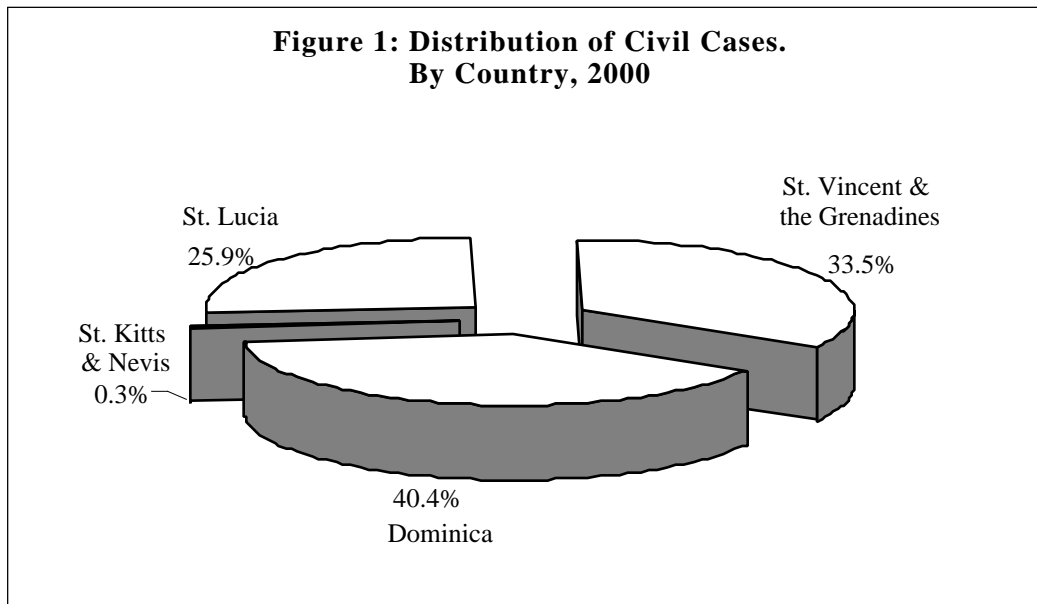
CIVIL CASE RESULTS

The statistical analysis of the civil cases is presented first for the combined sample of four countries and subsequently, it is presented separately for each country. The following section highlights the main findings for the combined sample of civil cases, and provides analytical discussion on these results.

1. STATISTICS ON COMPLETE SAMPLE

DISTRIBUTION OF CIVIL CASES BY COUNTRY

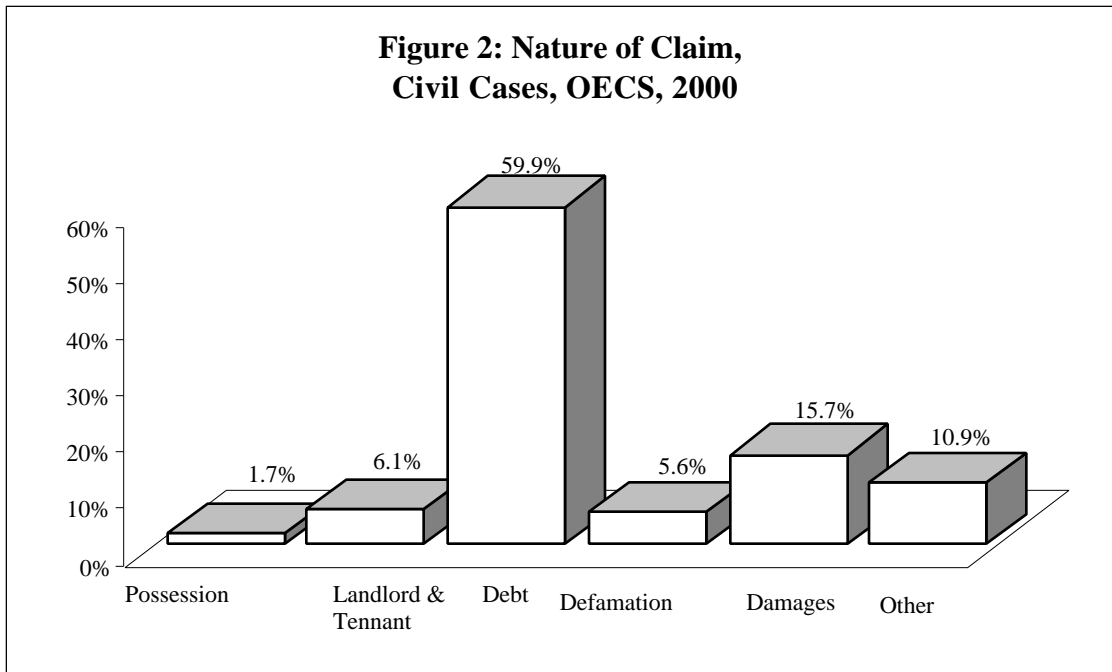
Of the 1,534 civil cases, Dominica accounts for the largest portion of the case load. Its 40% share of cases is then followed in size by St. Vincent and the Grenadines with 34%, St. Lucia with 26% and St. Kitts and Nevis with only four cases or .261% of the sample. The vast majority of these cases were active at the District level (73%) and filed as a claim over the period 1999 and 2000 (91% collectively).



	Count	Percentage
Dominica	619	40.35
St. Kitts and Nevis	4	0.26
St. Lucia	397	25.88
St. Vincent and the Grenadines	514	33.50
Total	1,534	100

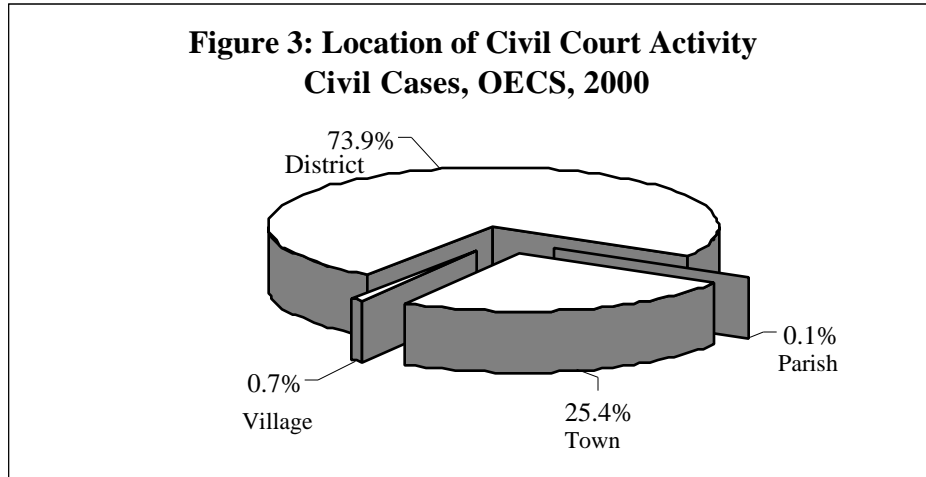
2. NATURE OF OFFENCE

An analysis of the OECS countries in the sample data revealed an overwhelming majority of civil cases were debt related (60%) while damages (16%), landlord and tenant (6%), defamation (6%) and possession (20%) claims accounted for the remaining civil cases. A significant percent of cases 11% other nature of claims, not identified in Figure 2.



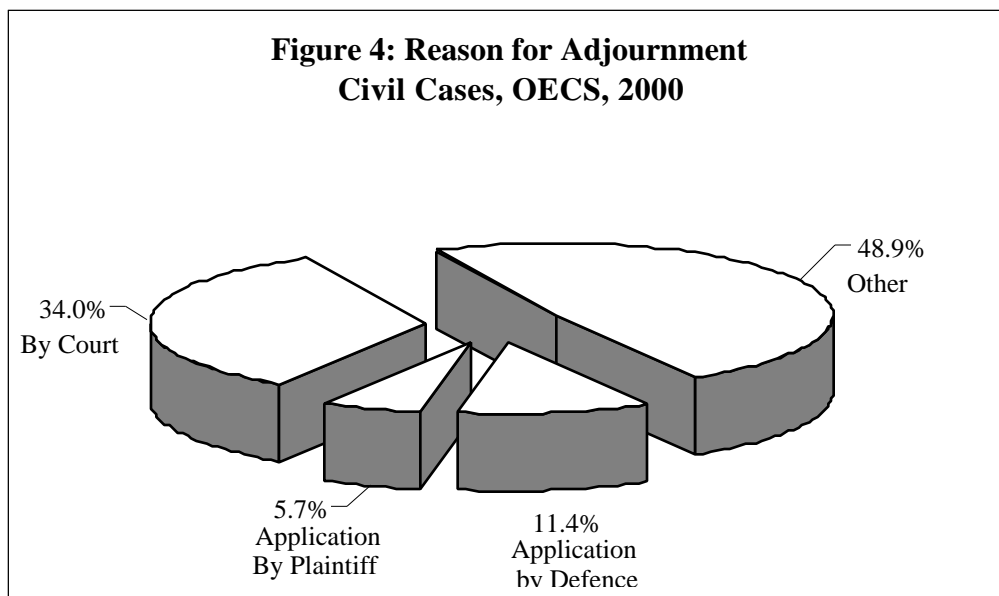
3. LOCATION OF CIVIL COURT ACTIVITY

The majority of civil court activity (74%) takes place at the district court level among OECS countries. (Figure 3).

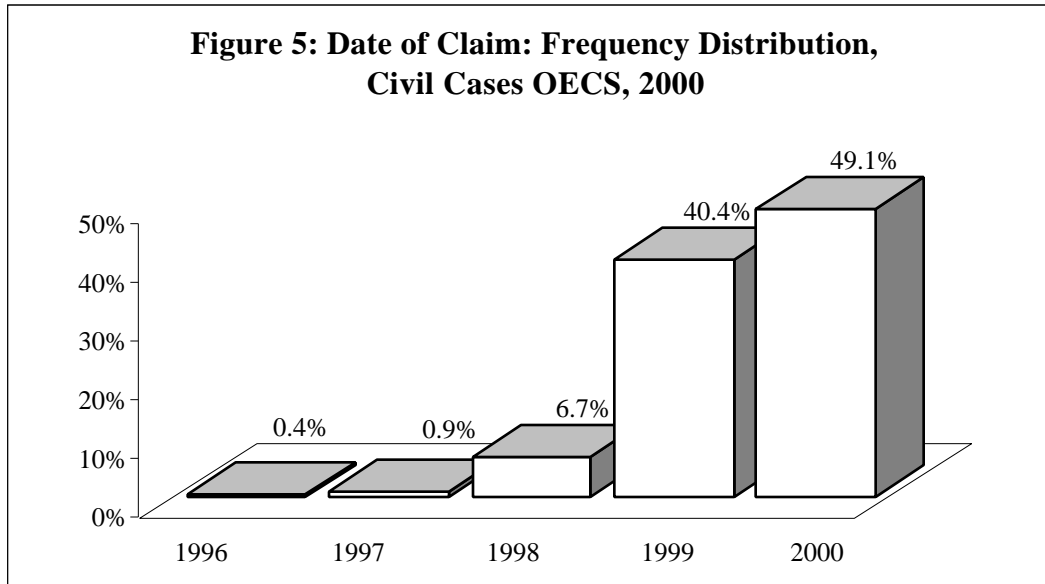


4. ADJOURNMENTS

Civil cases in the sample data for OECS countries were analyzed with respect to adjournments. Overall, civil cases were adjourned 2.2 times per case, on average. The maximum number of adjournments in a case, across the sample of civil cases was 17 adjournments. The most commonly cited reason for adjournment was because of the court (34% of all cases). The defense applied for adjournment in 11% of cases, and the plaintiff 6%. Almost half (49%) of the civil cases in the sample were not able to identify reasons for adjournment under the three major reasons cited in Figure 4.

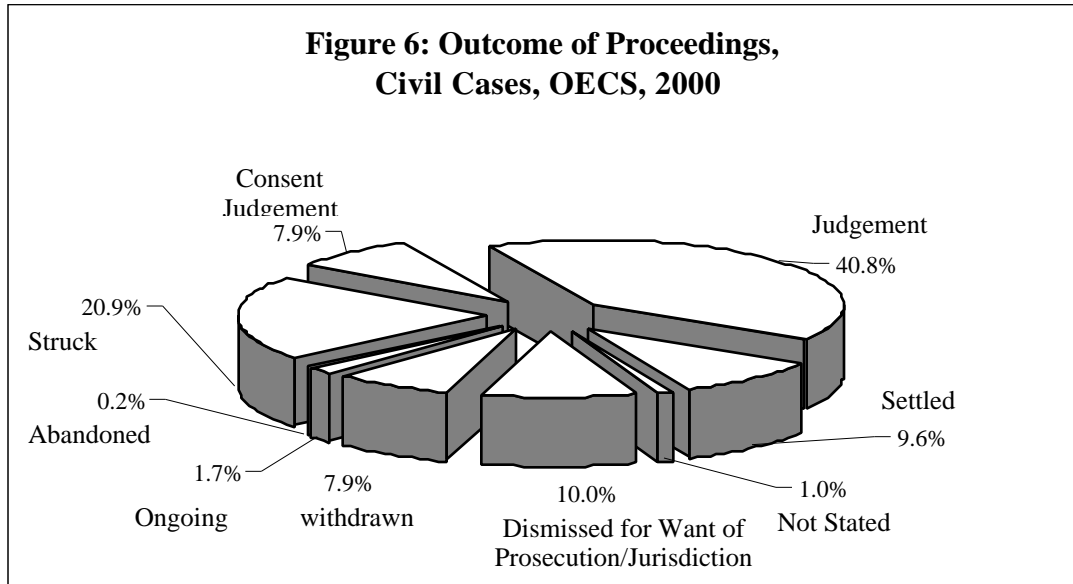


Almost 50% of the cases were claims made in the year 2000, 40% in the year 1999 and 7% in 1998 (Figure 5). Cross tabulations with the date of claim would give a better indication of the length of each claim, but it appears that the majority are finished within approximately a year.



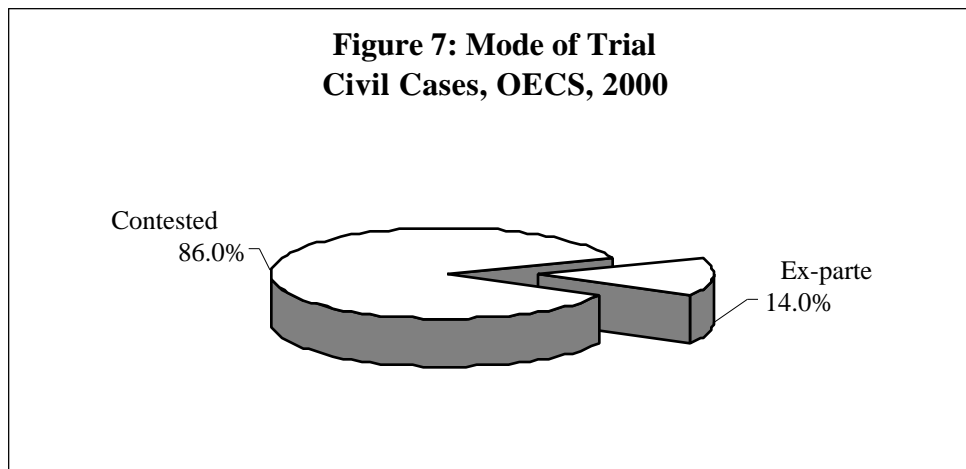
5. OUTCOME OF PROCEEDINGS

The majority of cases were completed with a judgement (41%), 21% were struck and 10% were dismissed for want of prosecution or jurisdiction. Withdrawn, settled and consent judgements each accounted for approximately 8 to 9% of the court cases each as well. Only 0.2% of cases had been abandoned, and 2% were still ongoing at the time the survey was taken. For those ongoing, 69% had been part heard, and 31% were in the course of settlement.



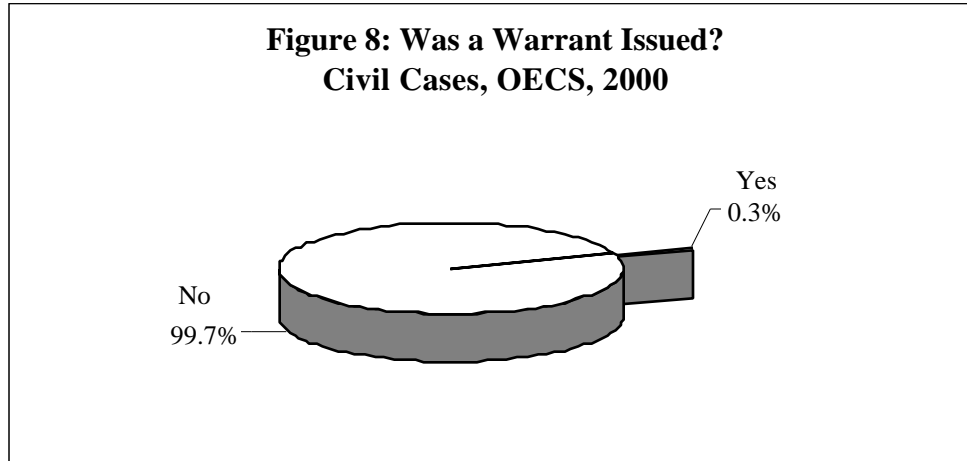
6. MODE OF TRIAL

Examination of the mode of the trial found that 1,204, or 86% of those cases who stating a mode, were contested and 196 cases or 14% were ex parte.



7. WARRANTS

Three civil case warrants were issued, and served. Those who cited year of issue and year served were in 2000.



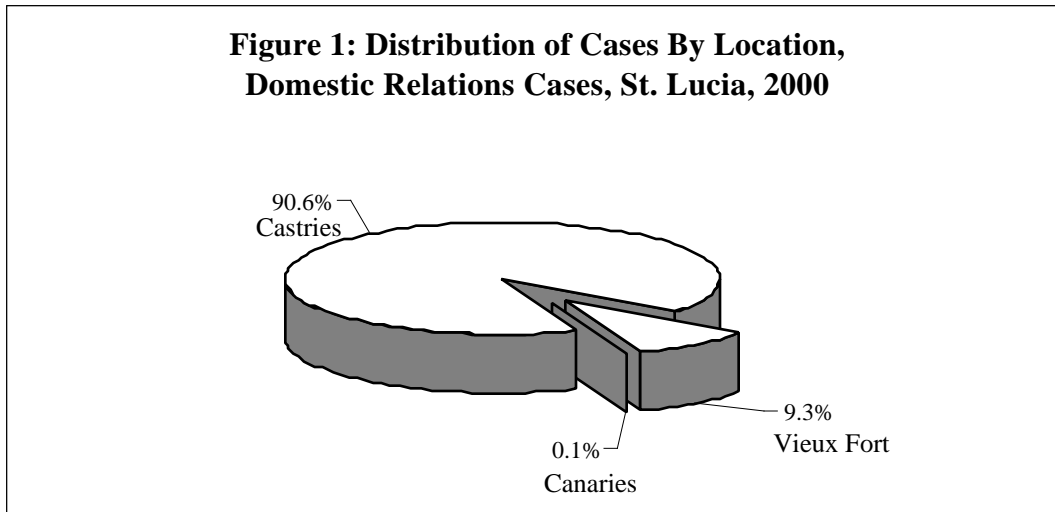
8. APPEALS

No appeals were cited for civil cases in this survey data.

III.

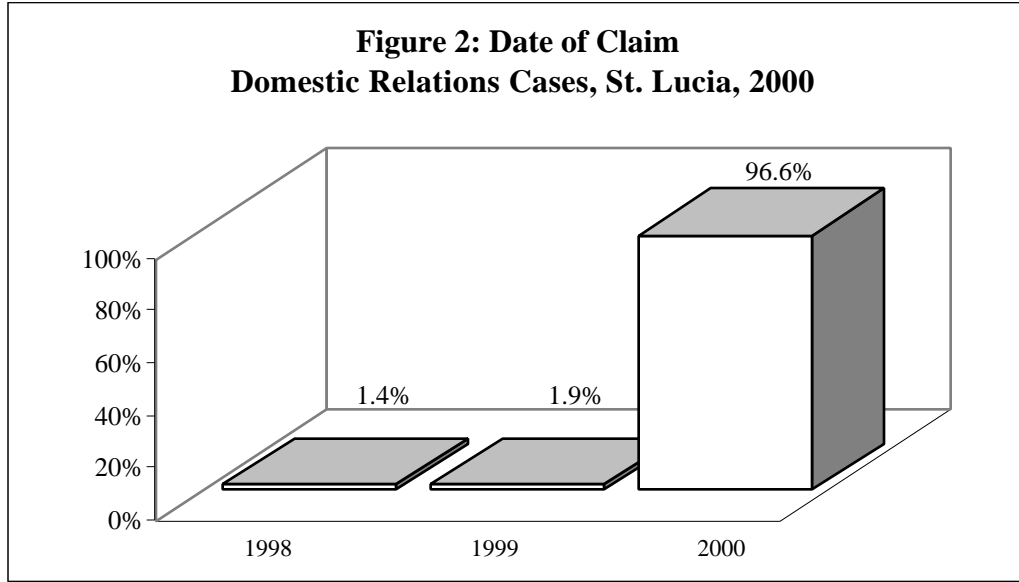
DOMESTIC RELATIONS CASES ANALYZED

All of the 790 Domestic Relations cases in the sample data were from St. Lucia. More than 99% of cases were of case year 2000. The majority of domestic relations court cases are in Castries (91%), with the remainder at Vieux Fort (9%) (Figure 1).



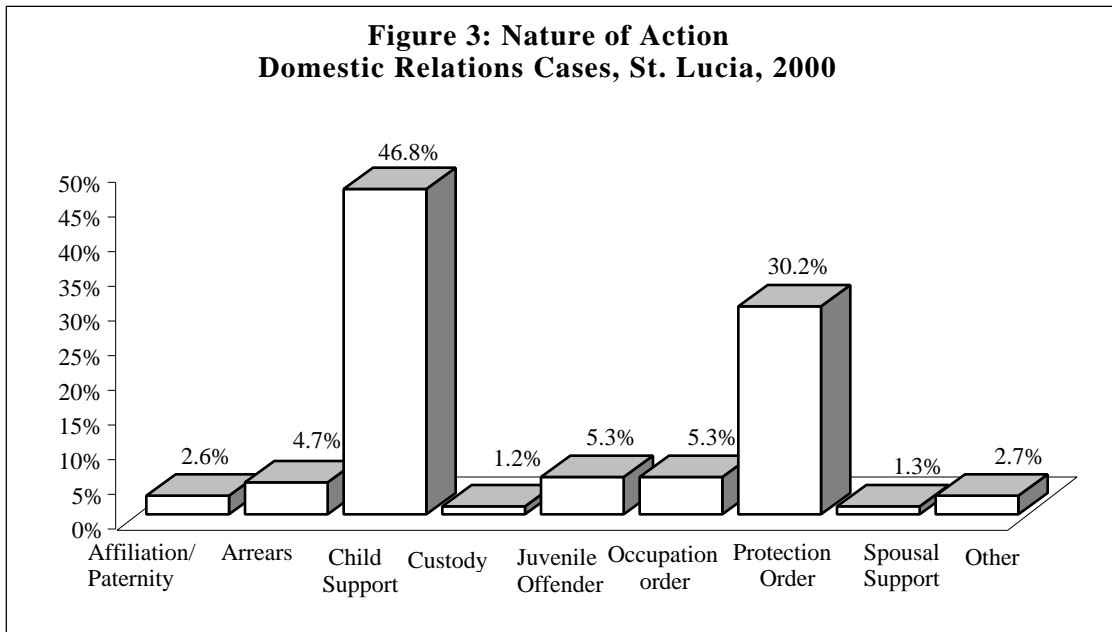
1. DATE OF CLAIM

Analysis of the Domestic Relations case files showed that the majority of the active cases in St. Lucia were cases for which the date of claim was made in 2000, with a small proportion for which the date of claim was made in 1998 and 1999 (Figure 2).



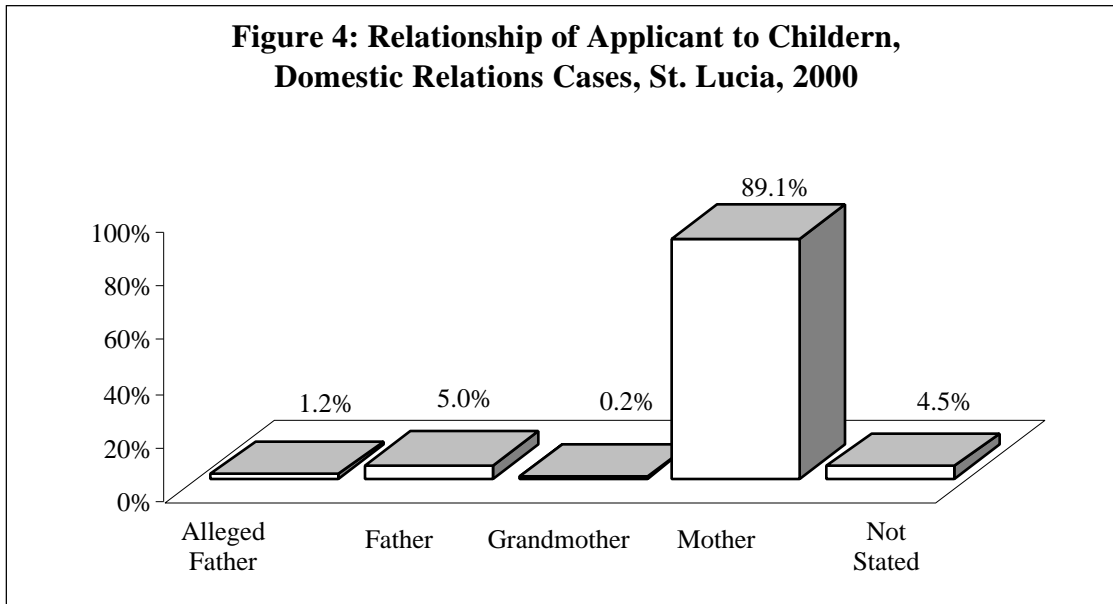
2. NATURE OF ACTION

Based on the analysis of the Domestic Relations cases in the sample data, the majority of cases were child support actions (47%), with the remainder of cases being mainly protection orders (Figure 3). Juvenile offences, occupation orders, and arrears each account for roughly 5% of total Domestic Relations cases in St. Lucia.



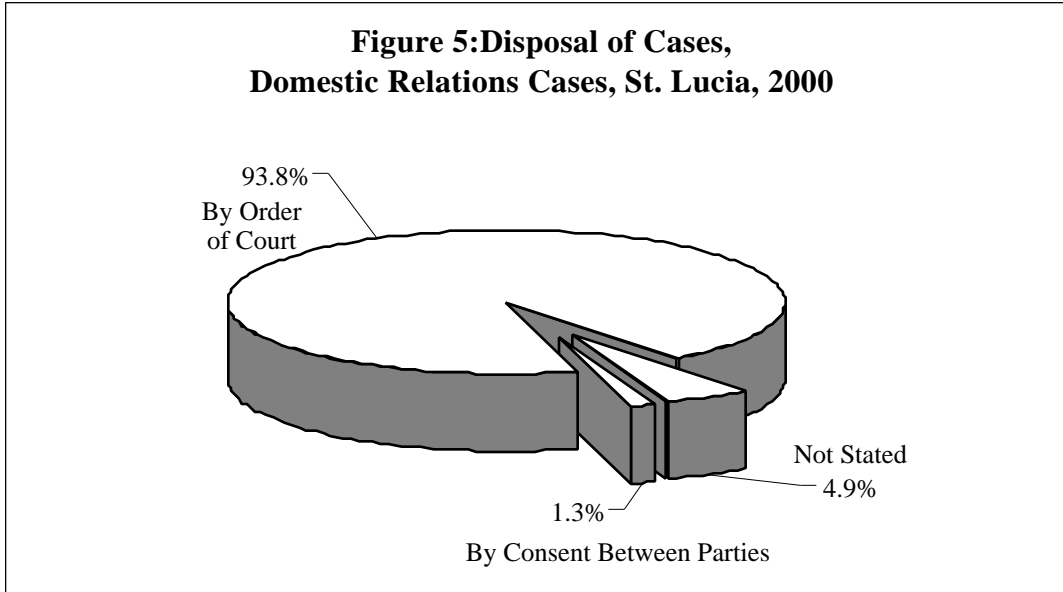
3. RELATIONSHIP OF APPLICANT

Analysis of the Domestic Relations cases showed that in the majority of cases (89%), the applicant is the mother of the children, whereas in only 5% of the cases it is the father (Figure 4). In approximately 52% of cases, the relationship of the respondent to the applicant is listed as father of the children or some variation. In 1% of cases the respondent is the alleged father and in 10% the respondent is the common law partner. The average number of children in the relationship is 0.864 with a maximum of 5 children.



4. OUTCOME

Based on the analysis of the Domestic Relations cases, in approximately 94% of domestic relations cases, the manner of disposal was by order of court (Figure 5).



5. ORDERS

We also analyzed the Domestic Relations cases in the sample data on orders granted. A total of 695 cases (88%) reported an order granted.

Most cases reporting an order granted, (39%), were struck out for non-appearance. The remainder of these cases were largely granted a child support quantum per child (34%) withdrawn by the applicant (9%), dismissed (8%), or resulted in protection orders (3%) (Figure 6). For those orders granting amounts, wide ranges in the terms for payment were laid out.

These payments were generally monthly and ranged from 75 EC\$ to 350 EC\$. Of these, the concentration of cases reported payments of between 100 EC\$ and 200 EC\$ monthly with the mode reporting EC\$ 150 as the amount ordered. An average payment of 151.46 EC\$ was found. A majority of the duration of orders were until the age of 18 years (78.9%).

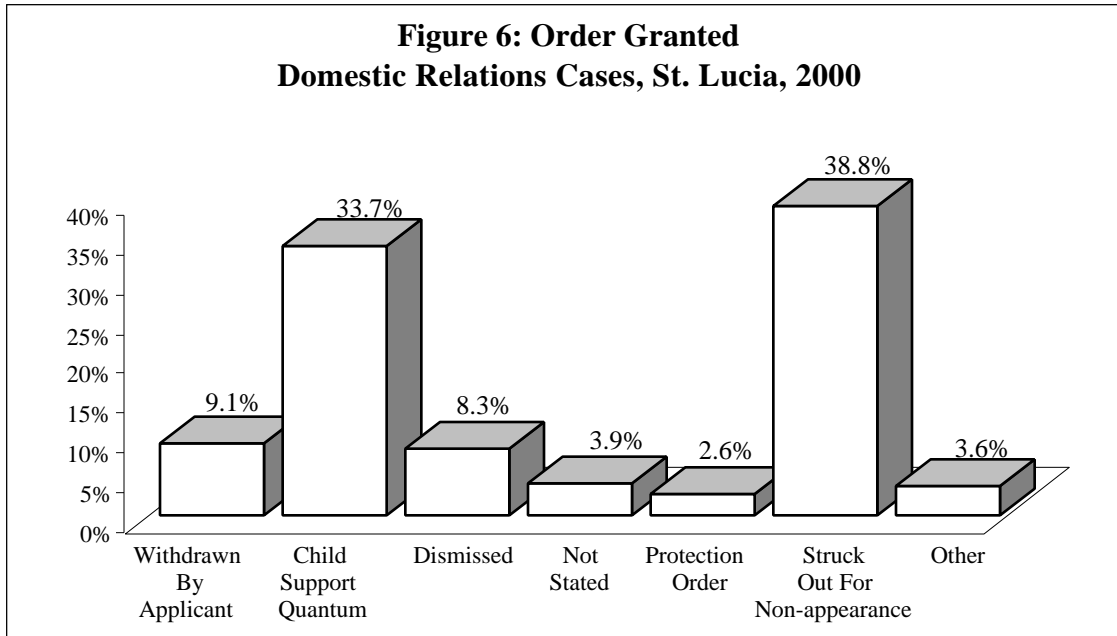


Table 1: Order Granted

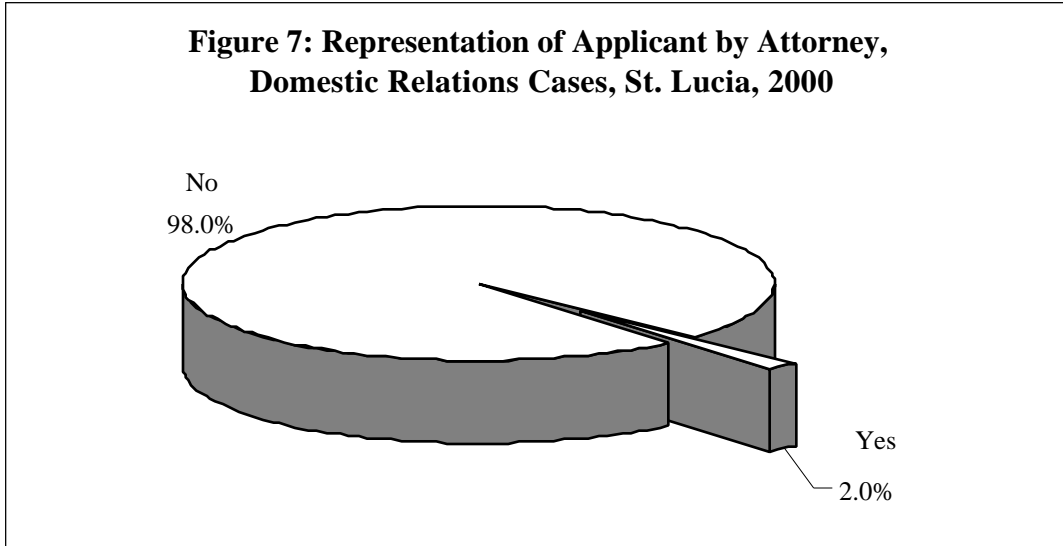
	Count	Percentage
Child Support	234	33.66
Dismissed	58	8.34
Protection Order	18	3.88
Struck out for Non-Appearance	270	38.84
Withdrawn by Applicant	63	9.06
Other*	25	3.59
Not Stated	27	3.88
Total	695	100

Note: * Other includes: affiliation/paternity; bond; bound to keep the peace; by applicant; cautioned and reprimanded and released; counseling; custody and access; custody order; discharged; occupational order; order; order revoked; spousal support.

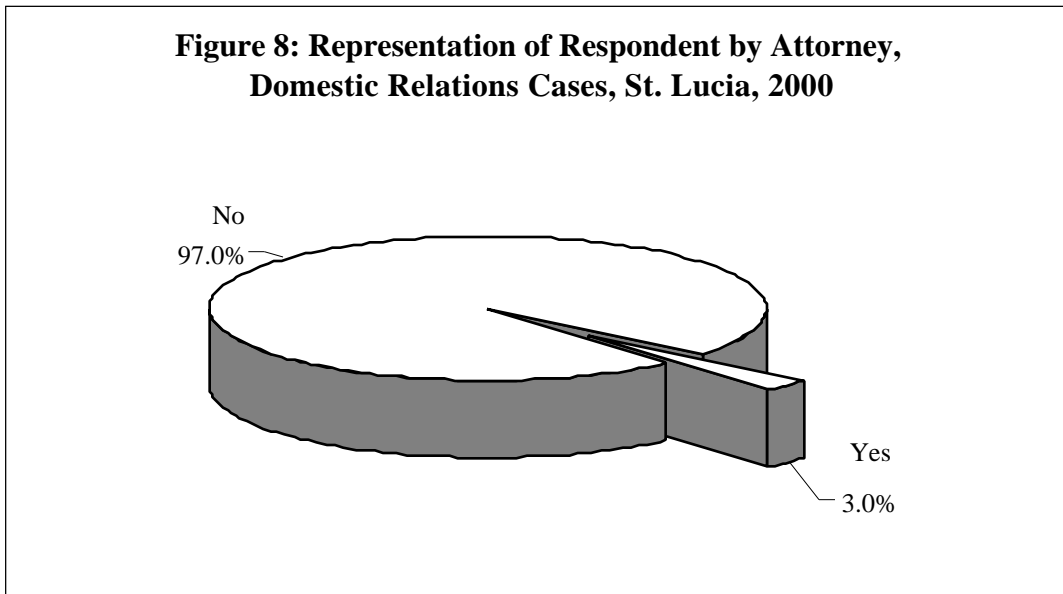
6. REPRESENTATION

The Domestic Relations cases in the sample were also analyzed with respect to representation (Figure 7).

1. *Based on the analysis of the Domestic Relations cases in the sample, the applicant did not have representation in an overwhelming majority of cases (98%).*



2. Similarly, based on the analysis of the Domestic Relations cases, the respondent did not have representation in an overwhelming majority of cases (97%) (Figure 8).



7. ARREARS

SUMMONS: ARREARS CASES

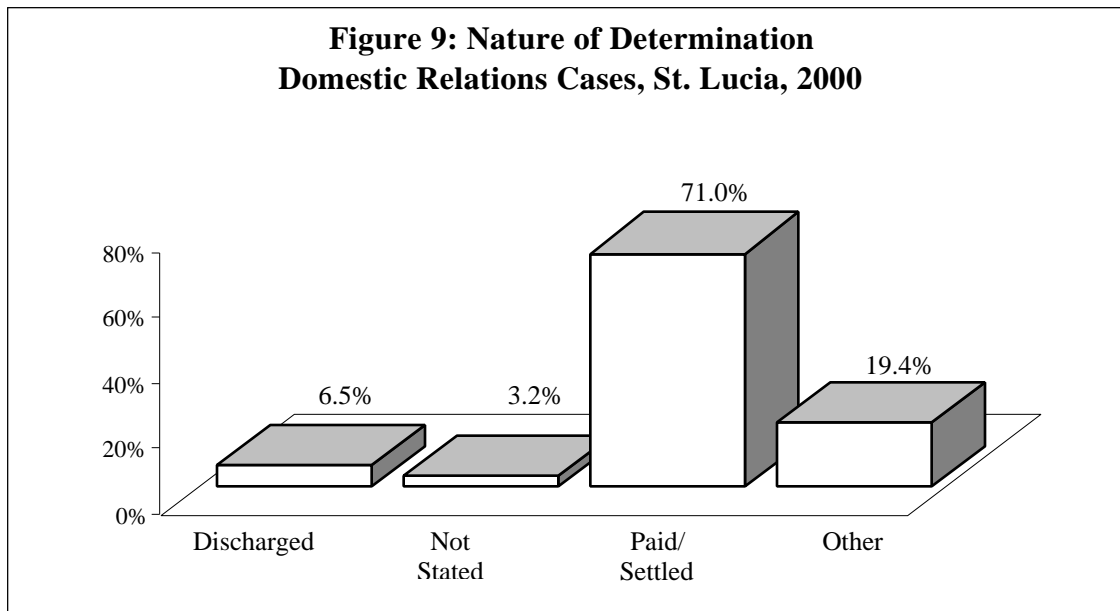
In 34 Domestic Relations cases in the sample (4%), a summons was issued. Of these cases 23 (68%) were issued in 2000 and 9 (26%) were issued 2001.

DURATION OF ARREARS

Duration of arrears was reported in 37 (5%) of the Domestic Relations cases in the sample data. The duration of arrears ranged from 1 week to 7 months. In the majority of cases, the duration lies between 1 to 4 months. For the 26 cases with computable results on duration of arrears, an average of 11.93 weeks duration of arrears is found. The average quantum of arrears was 2.091EC\$ with a standard deviation of 39.86\$. A maximum of 900 EC\$ was cited.

NATURE OF DETERMINATION: ARREARS CASES

In only 31 cases out of the sample of 790 Domestic Relations cases (4%) was the nature of determination of the cases interpretable. Analysis of these cases showed that the majority of cases were paid/settled (22 cases or 71%) with another 6.5% which had been discharged (Figure 9).

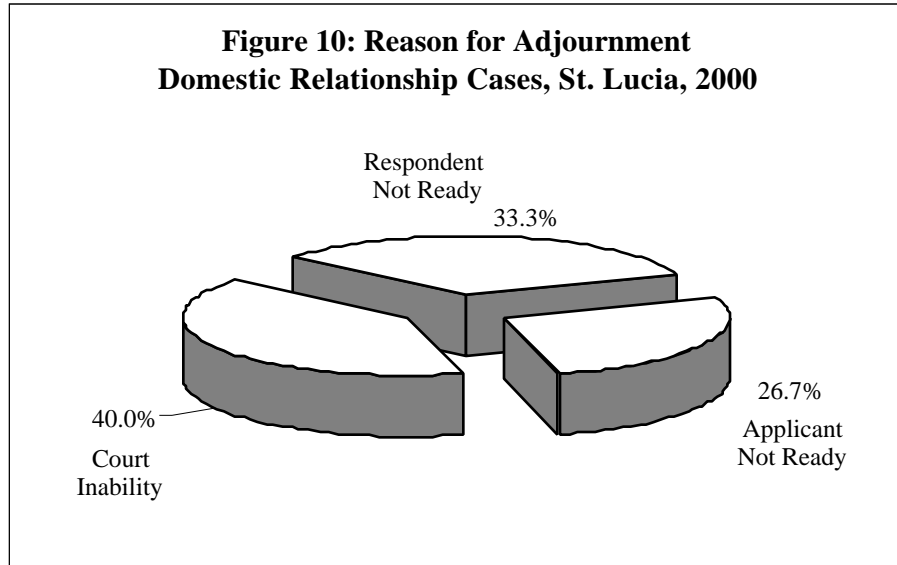


WARRANTS: ARREARS

A total of 31 warrants were still found to be outstanding although the data on the number of warrants issued was generally not interpretable.

ADJOURNMENTS: ARREARS

Analysis of the Domestic Relations cases showed an average of 0.552 adjournments occurred per arrears case with a maximum of 6 adjournments occurring in any one case. Examination of the reasons for adjournment (Figure 10), showed three primary reasons: court inability (40%), respondent not ready (33%) and because the applicant was not ready (27%).



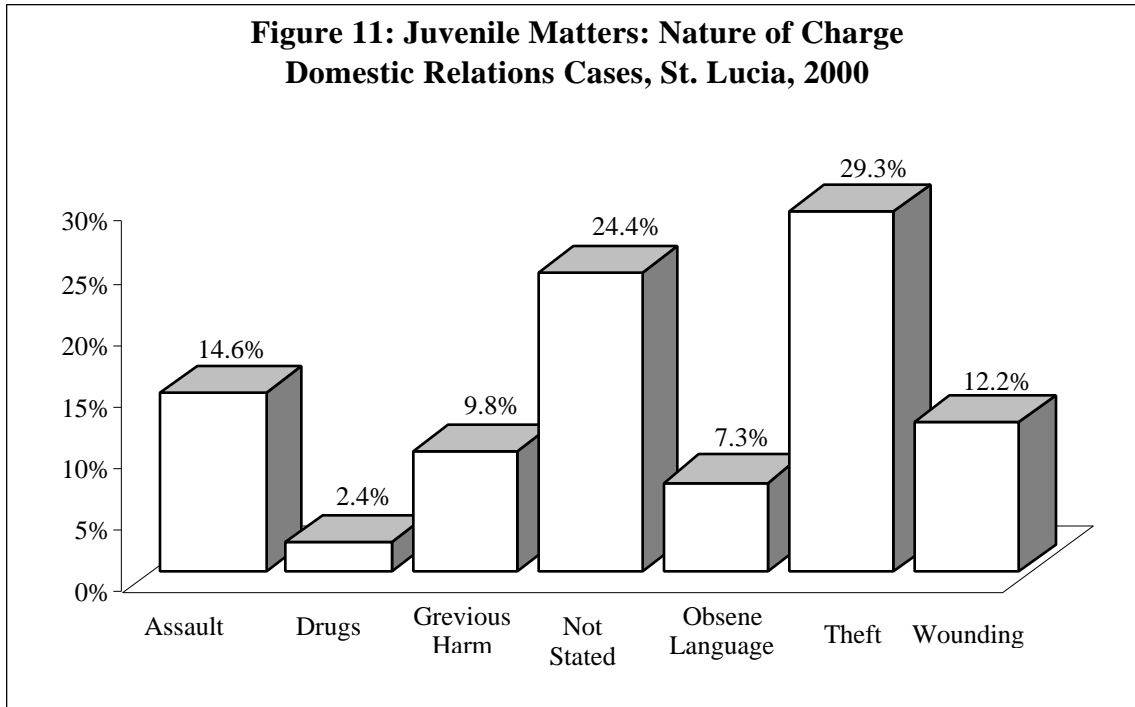
8. JUVENILE MATTERS

NATURE OF CHARGE: JUVENILE MATTERS

A total of 41 cases (5%) out of the 790 Domestic Relations cases in the sample data were related to juvenile matters. Domestic Relations court cases related to juvenile matters were analyzed separately. One important result of the analysis of the Domestic Relations cases regarding juvenile matters is the following:

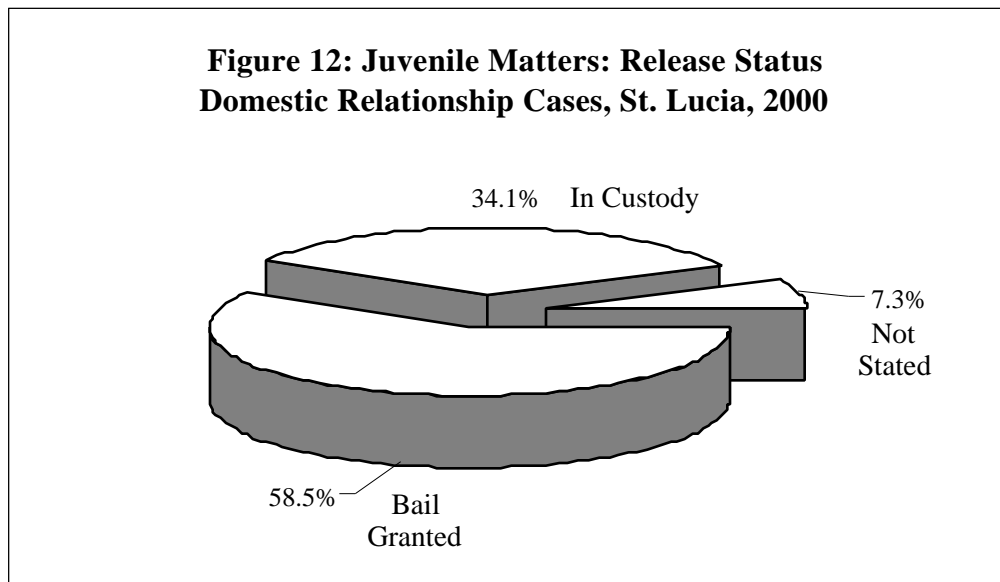
- *In nearly one quarter of the cases regarding juvenile matters (24%), the nature of the charge was not stated.*

Nearly one third of all juvenile cases were theft-related (29%), followed by assault (15%), wounding (12% of all juvenile cases), grievous harm (10%), and obscene language (7%). Only a small percent of juvenile cases were drug-related (2%) (Figure 11).



RELEASE STATUS: JUVENILE MATTERS

We examined release status of the case files related to juvenile matters (Figure 13). Of the 41 case files, most were granted bail (59%), with 34% in custody and 7% not stated (Figure 12).



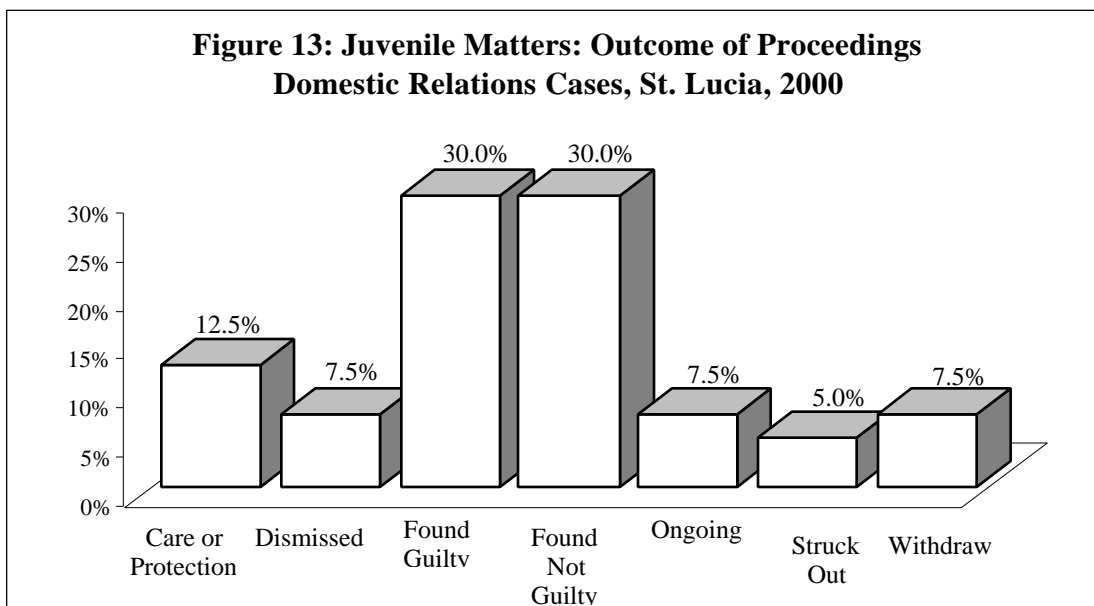
The majority of case files related to juvenile matters involved cases where the charged were laid in the year 2000 (77%) and in 1999 (20%). Almost 68% of Juvenile Matters case files had dates of determination in 2000 and 28.57% in 2001.

ADJOURNMENTS: JUVENILE MATTERS

Based on the analysis of the case files related to juvenile matters, there is an average of 2.85 adjournments per juvenile case with a maximum of 12 adjournment reported per case.

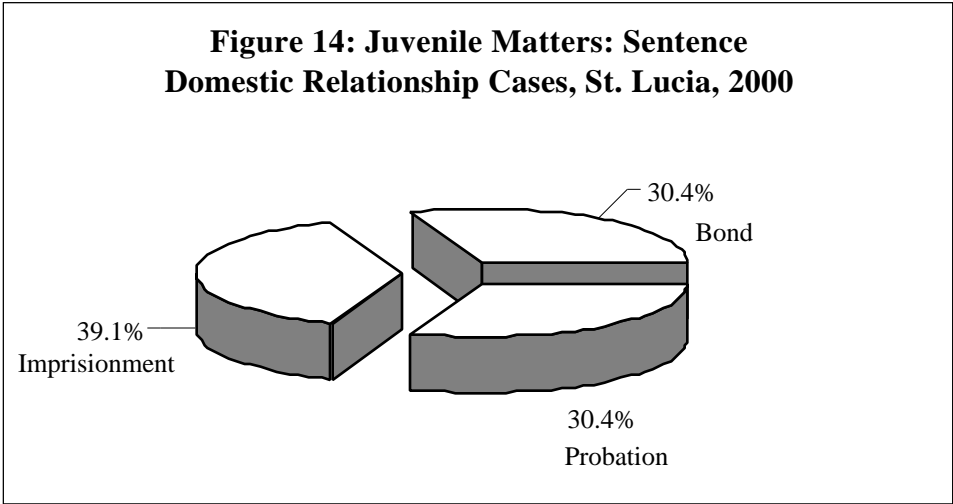
OUTCOME OF PROCEEDINGS: JUVENILE MATTERS

Case files related to juvenile matters were also examined in relation to the outcome of proceedings. This analysis showed that in 60% of the Juvenile Matters cases, defendants were either found guilty or found not guilty and these were split evenly down the middle. In roughly 13% of the remaining cases, the defendant is placed in care or protection. In 23% of the juvenile cases, the cases is equally likely to be dismissed, withdrawn, or ongoing. Another 5% of cases were struck out (Figure 13).



SENTENCING DETAILS: JUVENILE MATTERS

A total of 23 case files out of the 41 Domestic Relations cases (56%) related to juvenile matters resulted in sentencing. For the 23 juvenile cases with sentences, 39% resulted in imprisonment, 30% in probation and 30% in bonds (Figure 14). The average duration of sentence was 10.6 months (with a standard deviation of 12.1 months) and an average amount of 3.19 EC\$ (standard deviation of 35.64 EC\$).



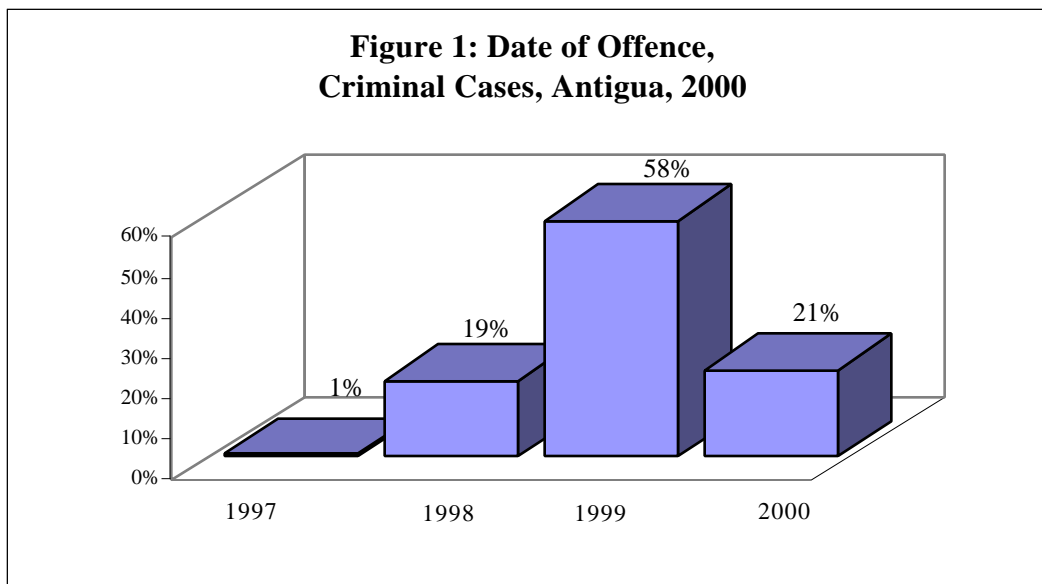
ANNEXES

ANNEX A – ANTIGUA AND BARBUDA

CRIMINAL CASES

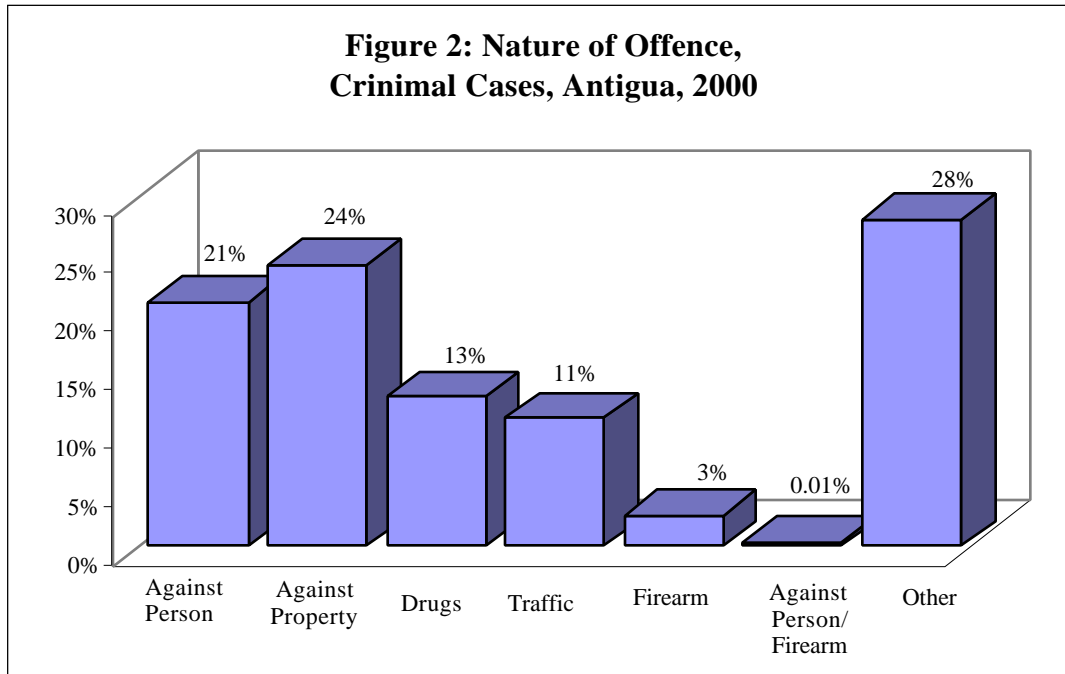
GENERAL INFORMATION

A total of 2,898 criminal cases were analyzed from Antigua and Barbuda. Although Antigua and Barbuda's sample of criminal cases ranged in case dates from 1992 to 2000, the majority of cases had a date of offence from the year 1999 (58%), 1998 (19%), and 2000 (21%) (Figure 1). This country's date of offence, date charge was laid and date the case was completed follow similar distributions.



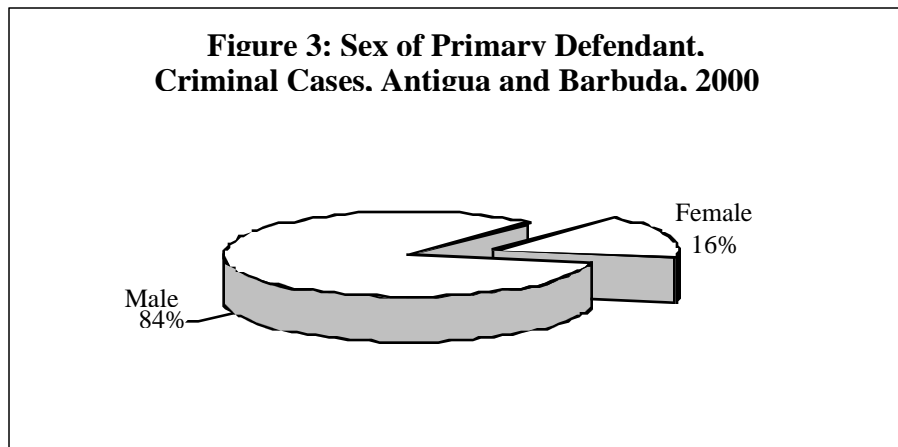
NATURE OF THE OFFENCE

Criminal case files in the sample data for Antigua and Barbuda were also examined by nature of offence. Figure 2 shows the distribution of criminal cases by nature of offence. 24% of Antigua and Barbuda's criminal cases were against property, 21% against person, 13% involved drugs, 11% were traffic related, 2.6% involved firearms, and 0.01% were both firearm related and against person. In 28% of cases a nature of offense is not stated (Figure 2).



DEFENDANT DETAILS

In the majority of criminal cases in Antigua and Barbuda, the first defendant male (84%) (Figure 3). Of those cases with a second defendant, 70% were male. In 3% of the cases the first offender a juvenile and 4% of second defendants were juveniles.

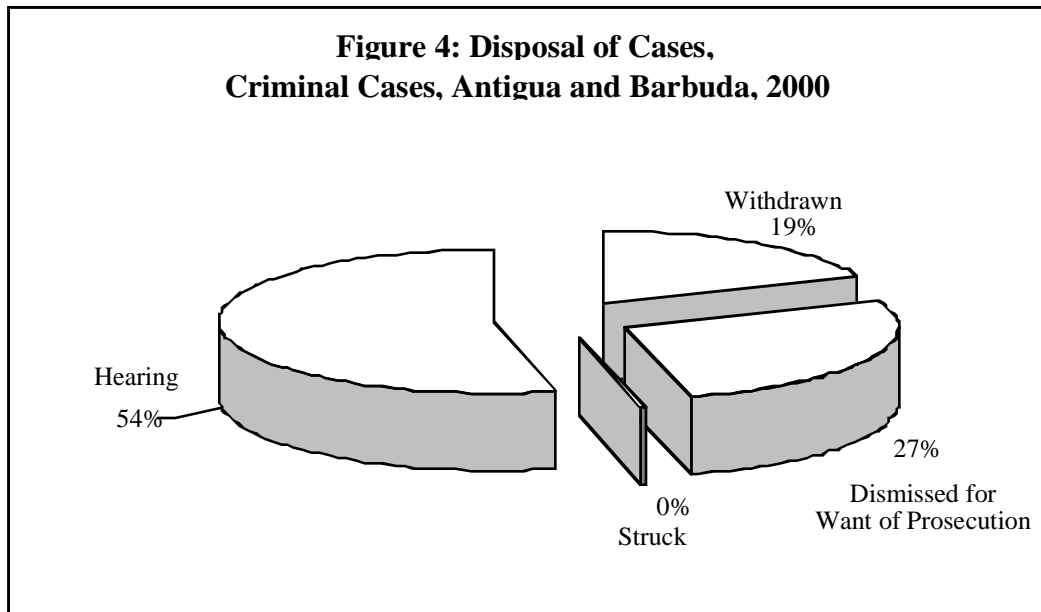


ACT

While interpretation of what legal Act the offence was relevant under was difficult, it can be said that it appears that the vast majority of the cases were from various sections of the CAP act. Sexual offences clearly represented another of the Acts that cases were being prosecuted under.

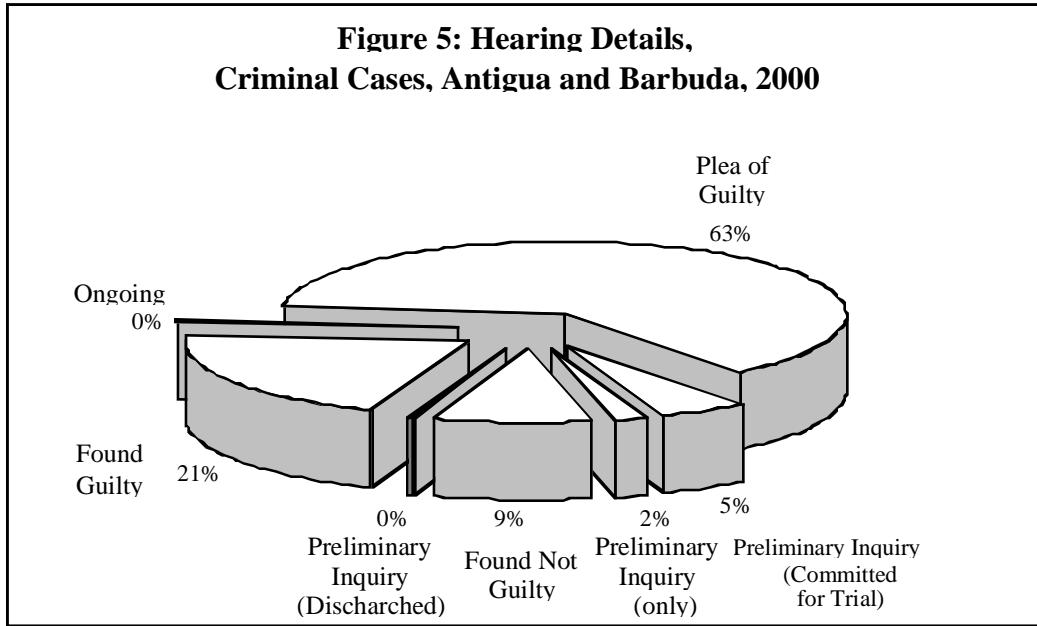
DISPOSAL DETAILS

We also examined the criminal case sample with respect to the disposal of cases (Figure 4). The majority of criminal cases were disposed of through a hearing (54%) or were dismissed for want of prosecution (27%). The remaining criminal cases in the sample data were either withdrawn (19%) or were struck (0.3%).



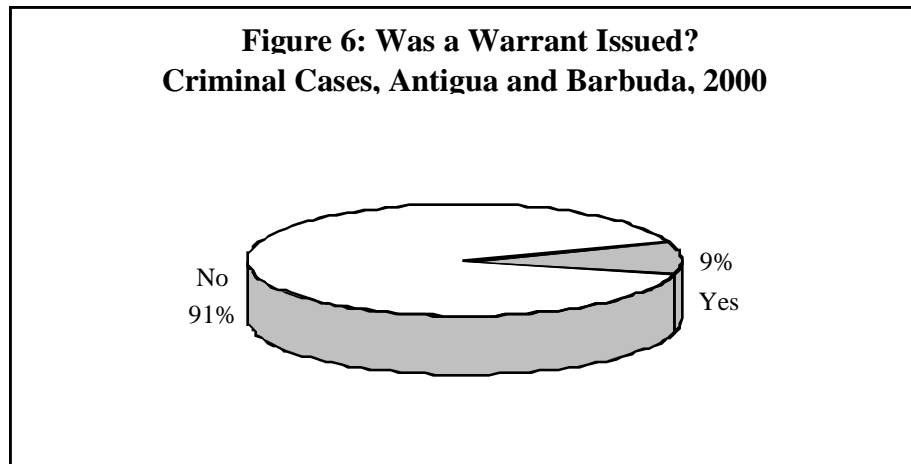
HEARING DETAILS

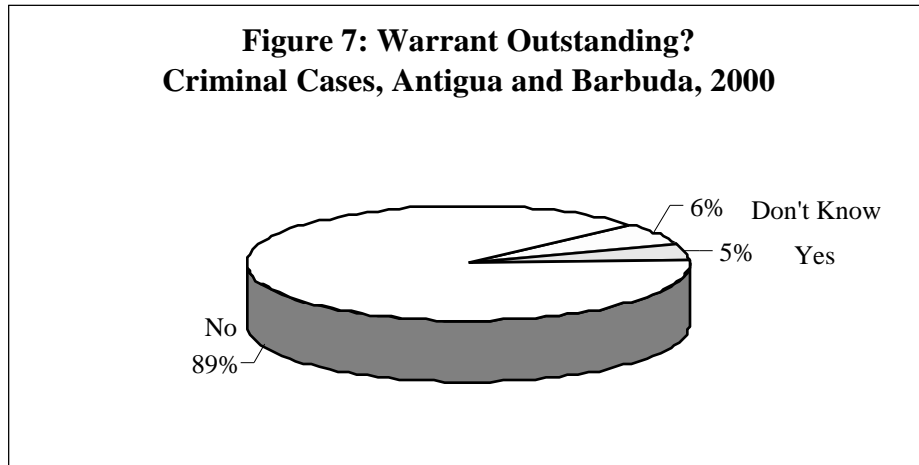
Criminal cases which were disposed of through a hearing were also examined in detail (Figure 5). A total of 1,557 criminal cases were disposed of through hearings. In the majority of these cases, the defendant(s) either plead guilty (63%) or was (were) found guilty (21%). In the remainder of cases, the defendant(s) was (were) found not guilty (9%), had a preliminary inquiry (2%), or had a preliminary inquiry and was committed for trial (5%). Only 1 of the preliminary hearings resulted in a discharge.



WARRANTS

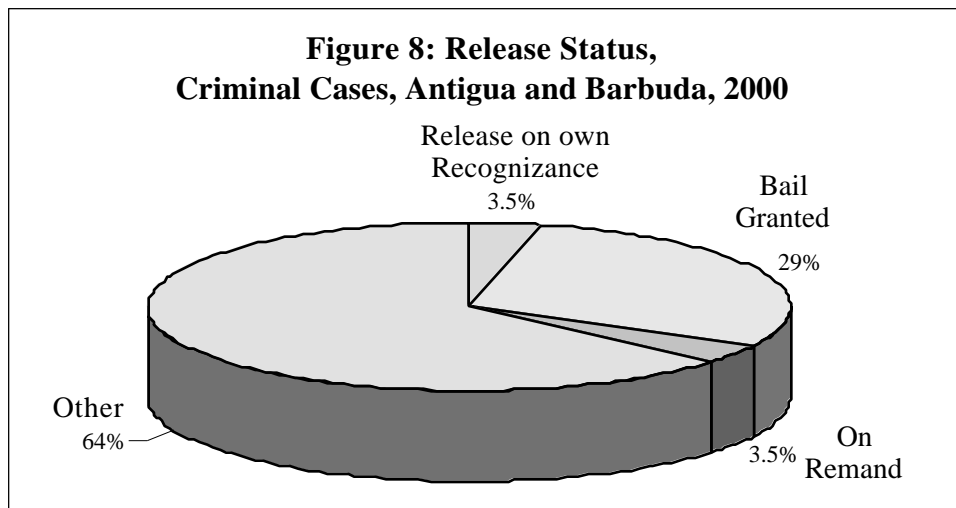
In 268 criminal cases (9% of total criminal cases in Antigua and Barbuda) warrants were issued (Figure 6). The majority of these were issued in 1999 and 99% of warrants were issued between 1998 and 2000. Of the cases with warrants, 5% of them were still outstanding (Figure 7).





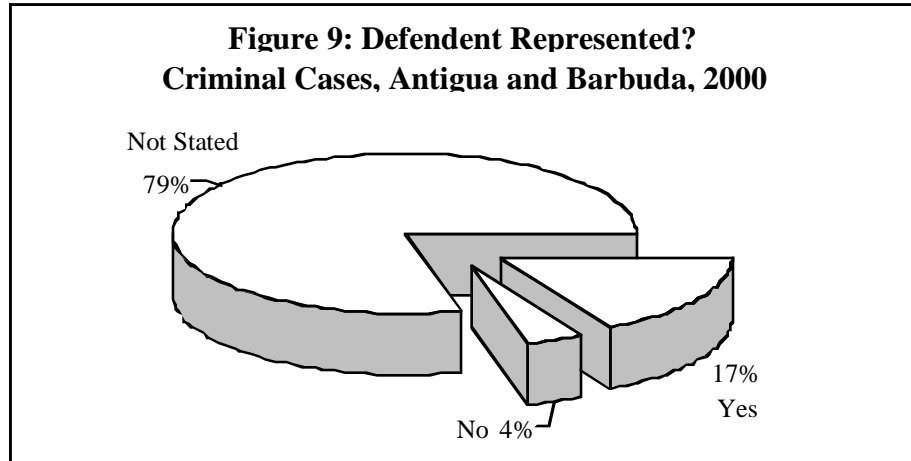
RELEASE STATUS

A total of 1,735 of the criminal cases in the sample from Antigua and Barbuda reported release information (Figure 8). Of these, 29% were on bail, 3.6% were released on remand and 3.5% were released on their own recognizance. What is notable, however, is that the majority of cases reporting release information cited reasons other than those highlighted in Figure 8 for the release (64%).



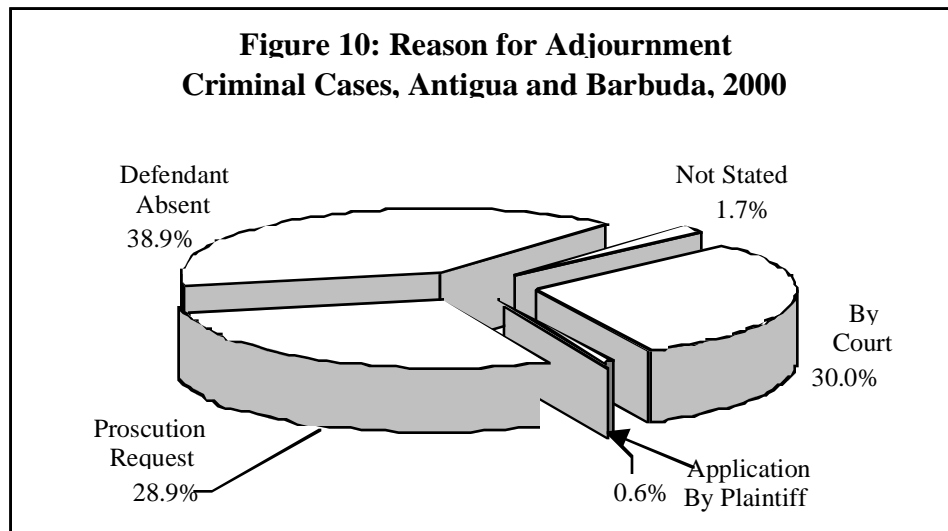
REPRESENTATION

Antigua and Barbuda had a high proportion of criminal cases where it was not known if the defendant(s) was (were) represented by legal council (Figure 9). In only 17% of the cases was it positively known that the defendant was represented. In 4% of cases the defendant was not represented and in 79% of the cases it was not known.



ADJOURNMENTS

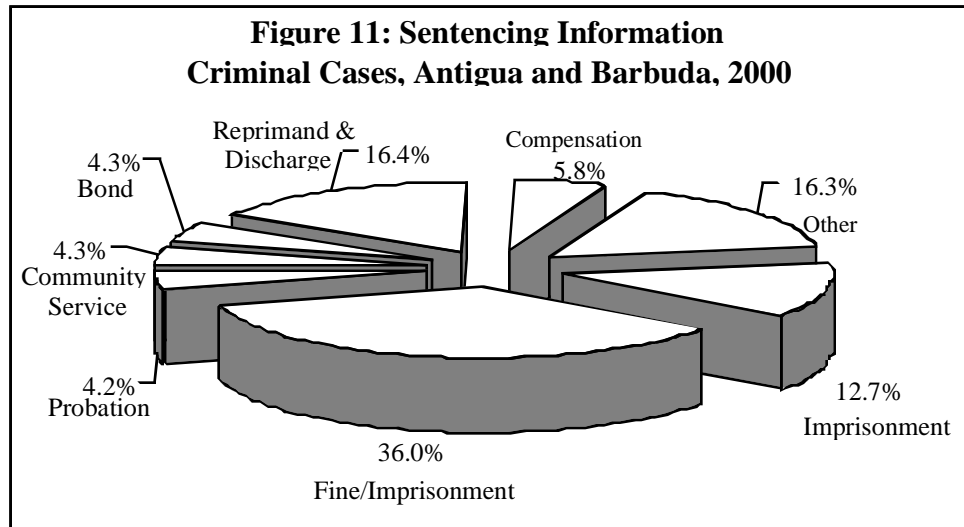
For the overall criminal cases in the sample of cases from Antigua and Barbuda, there was an average of 0.733 adjournments per case, (with a maximum number of 13 adjournments which occurred in one particular case). In most cases which cite at least one adjournment, the adjournment occurred because the defendant was absent (39%), ordered by the court (30%), or due to a request by prosecution (29%). In the remaining criminal cases, adjournments occurred by application by the plaintiff (0.6%) (Figure 10).



SENTENCING

In the overall sample of criminal cases from Antigua and Barbuda, 36 % of cases resulted in a fine and an imprisonment with an average fine of \$\$1,523 Eastern Caribbean and an average length of sentence of 1.28 months. The second most common sentencing result (Figure 11) is cases that resulted in a reprimand and discharge (16.4%), followed by a sentence of imprisonment only (13%) with an average sentence of 4.3 months. A sentence

of compensation was awarded in 6% of the criminal cases, probation in 4.2% of cases, and community services in 4.3% of cases, and a sentence of a bond in 4.3% of cases with an average of 0.45 months and \$28 EC dollars. In 16.3% of cases, sentences awarded were other than those cited above.



APPEALS

There were no appeals in these criminal cases from Antigua and Barbuda.

CIVIL CASES

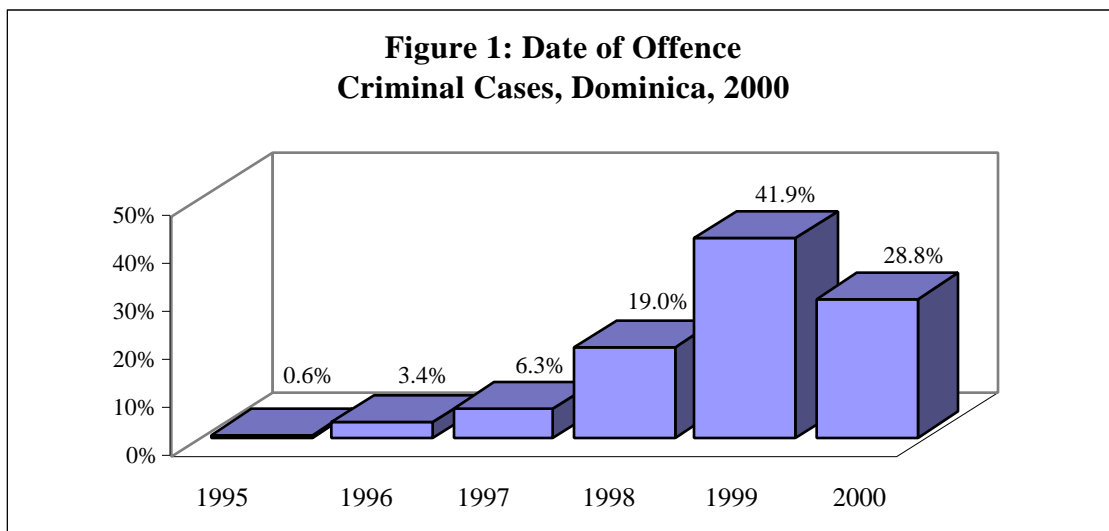
An analysis could not be conducted because of difficulties encountered by researchers in obtaining necessary information from court records.

ANNEX B – DOMINICA

CRIMINAL CASES

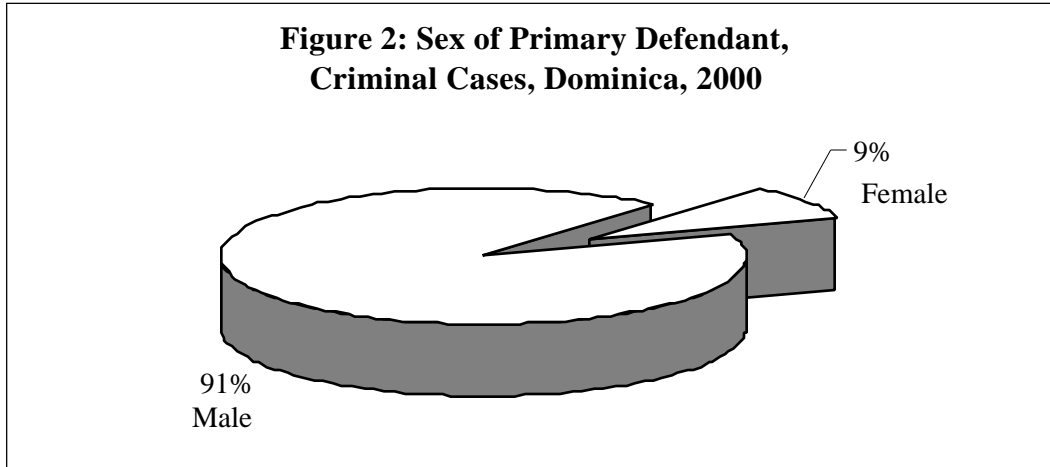
GENERAL INFORMATION

A total of 3,814 of the criminal cases were included in the sample data from Dominica. Although the date of offence in the criminal case files for Dominica range from 1991 to 2000, 90% of the criminal cases from Dominica dealt with cases that had a date of offence from between 1998 and 2000.



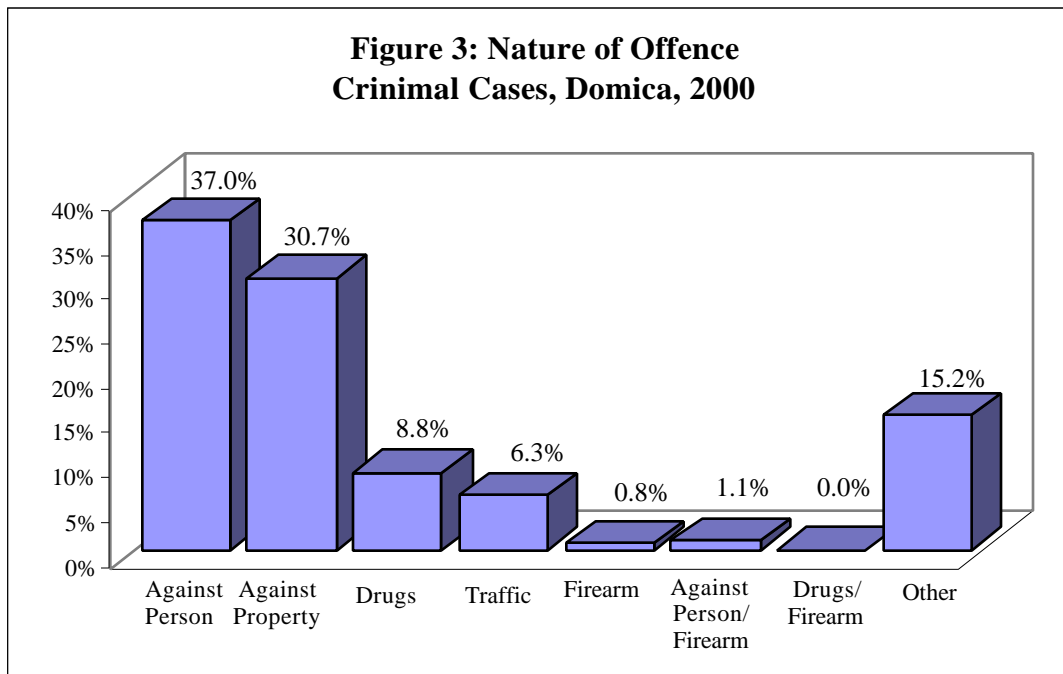
DEFENDANT DETAILS

The vast majority of criminal cases in Dominica (91%) involved cases where the first defendant was male (Figure 2). A total of 225 cases cited second defendants of which 80% were male. In 2% of cases was the first defendant a juvenile; in 3% of those with second defendants, the defendant was also a juvenile.



NATURE OF OFFENCE

Criminal case files in the sample data for Dominica were also examined by nature of offence. Figure 3 shows the distribution of criminal cases by nature of offence. The majority of criminal cases concerned offenses against person (37%) or offences against property (31%). The remaining cases involved drugs (9%), were traffic related (6%), involved firearms (1%), or were offences against persons that involved firearms (1.1%). An additional 15% of cases were of a nature not listed in Figure 3.

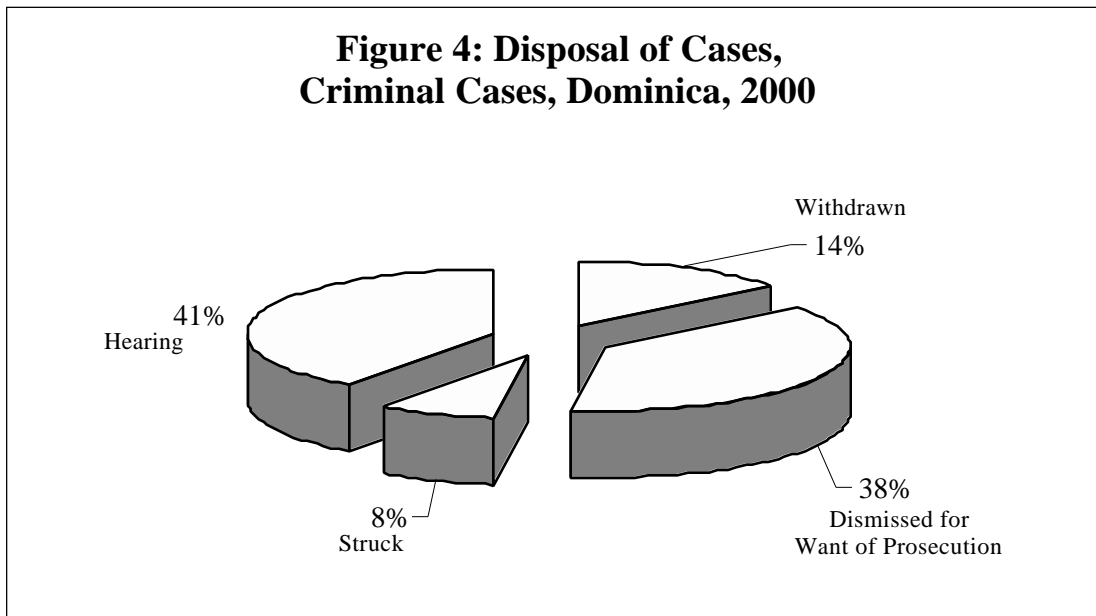


ACT

The DRL was the most widely cited relevant Act.

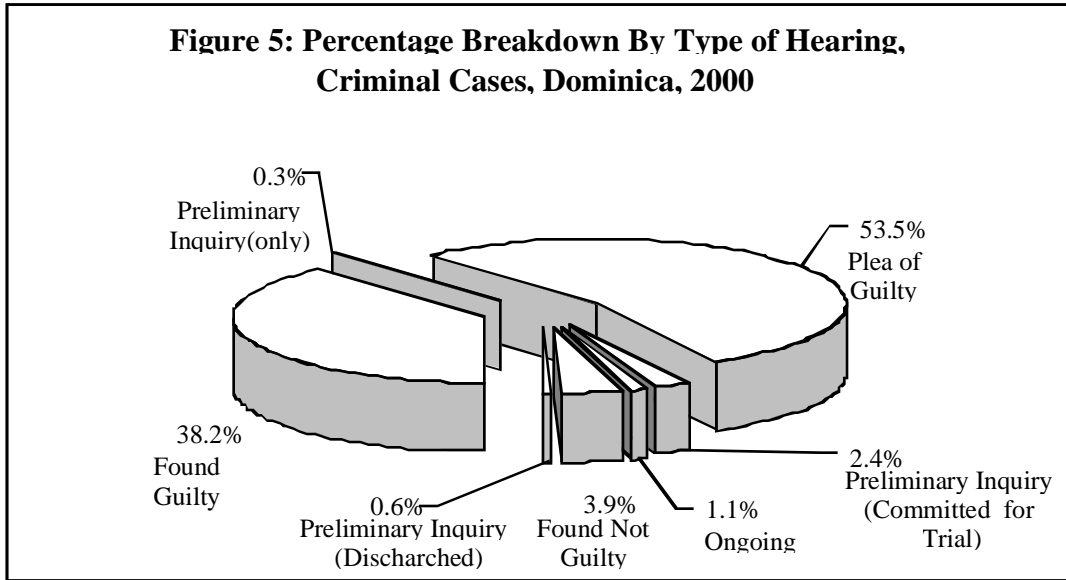
DISPOSAL DETAILS

The criminal case sample Dominica was also examined with respect to the disposal of cases (Figure 4). The majority of criminal cases were disposed of through a hearing (41%) or were dismissed for want of prosecution (38%). The remaining criminal cases in the sample data were either withdrawn (14%) or were struck (8%).



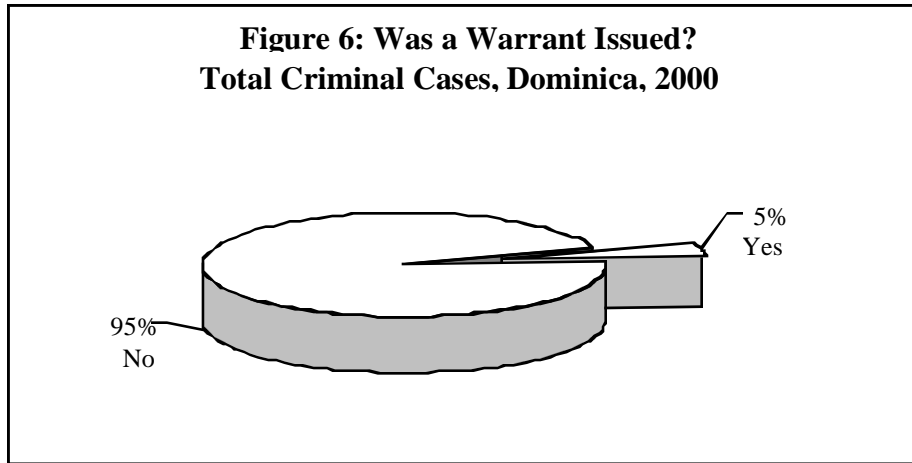
HEARING DETAILS

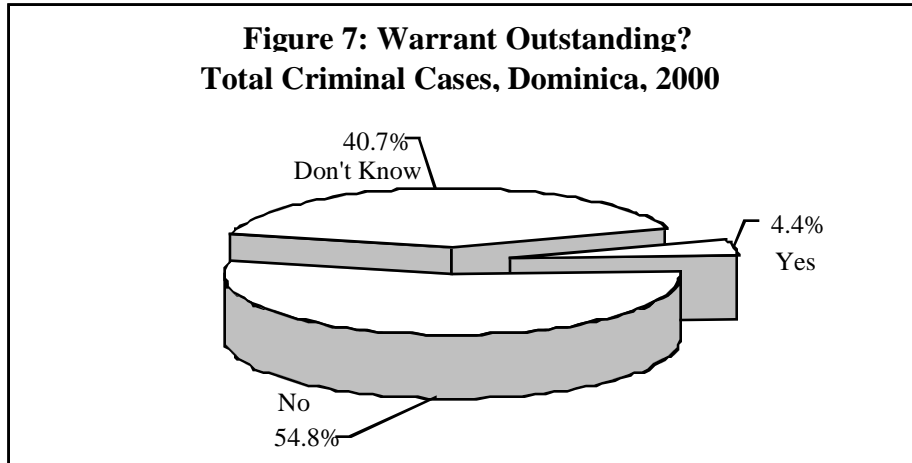
Criminal cases which were disposed of through a hearing were examined in detail (See Figure 5). A total of 1,593 criminal cases in Dominica were disposed of through hearings. In the majority of these cases, the defendant(s) either plead guilty (54%) or was (were) found guilty (38%). In the remainder of cases, the defendant(s) was (were) found not guilty (4%), had a preliminary inquiry only (.3%), had a preliminary inquiry and was committed for trial (2.4%) or the hearing was ongoing (1.1%). Only 0.6% of the preliminary hearings resulted in a discharge.



WARRANTS

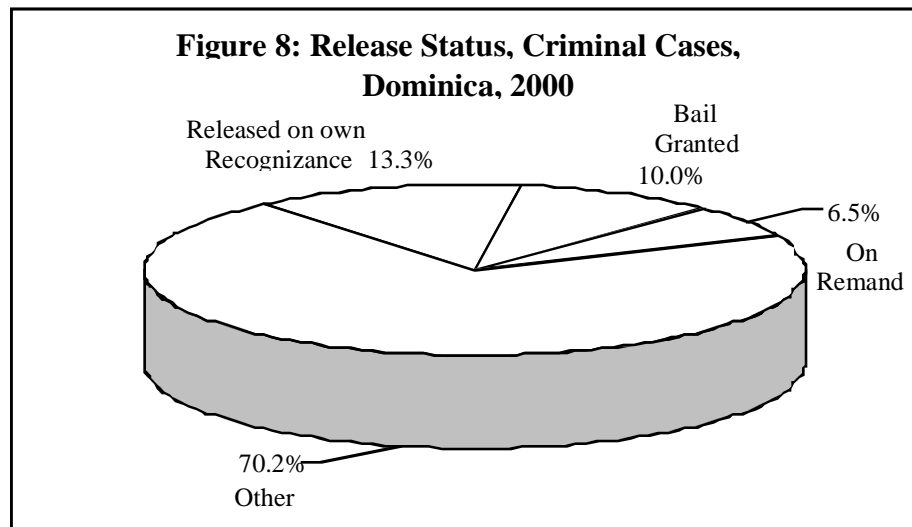
Warrants were issued in 177 criminal cases in the Dominica sample data (Figure 6). Of the total cases where warrants were issued, 55% had been served, 4% were outstanding and in 41% of the cases, the warrants status was not known (Figure 7).





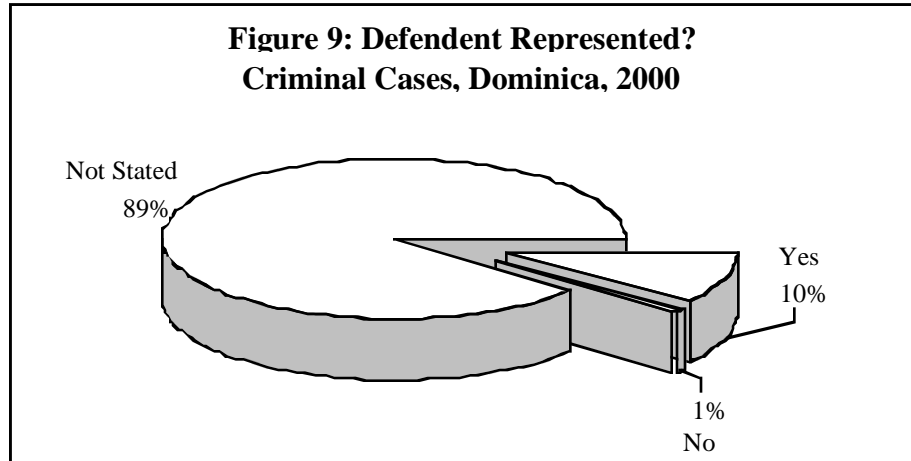
RELEASE STATUS

A total of 3,757 of the criminal cases in the Dominica sample data reported release information. Of these, 10% were on bail, 7% were released on remand and 13% were released on their own recognizance (Figure 8). What is notable, however, is that the majority of cases reporting release information cited reasons other than those indicated in Figure 8 for the release (70%).



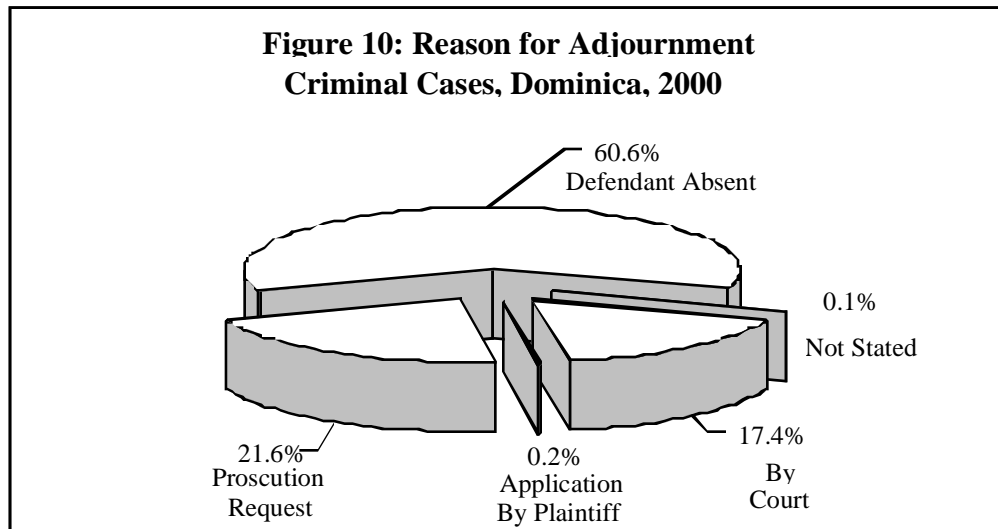
REPRESENTATION

The analysis showed a high proportion of criminal cases (89%) in the Dominica where it was not known if the defendant was represented by legal council (Figure 9). In only 10% of the cases was it positively known that the defendant was represented. In 1% of cases the defendant was not represented.



ADJOURNMENTS

Analysis of the criminal cases Dominica showed an average of 3 adjournments per criminal case. In most cases that cite at least one adjournment, the primary reason for adjournment is the defendant being absent (61%) (Figure 10). Other reasons for adjournment of criminal cases in Dominica include request by prosecution (22%), by order of the court (17%) or by application of the plaintiff (0.2%).

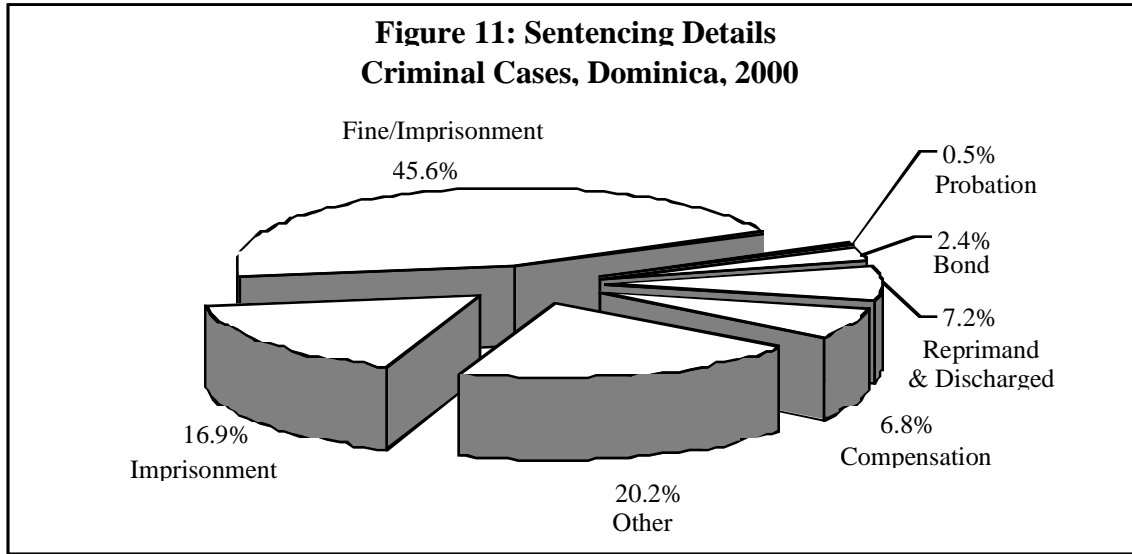


SENTENCING

Analysis of criminal cases from Dominica showed the majority of criminal cases resulted in a combined sentence of a fine and imprisonment (45%), with an average fine amount 384\$ EC and an average imprisonment length of 1.24 months.

Following this, 17% of cases resulted in a sentence of imprisonment only, with an average imprisonment sentence of 1 month.

Other sentences include reprimand and discharge awarded in 7% of cases, compensation awarded in 7% of cases, or a sentence of a bond in 2% of cases for an average amount of 28\$ EC (standard deviation 269.013\$ EC) and length of 0.2 months (standard deviation 1.04 months). Probation was awarded in 0.5% of cases. A large number of criminal cases in Dominica (20%) had other sentences other than those described in Figure 11.



APPEALS

No appeals were reported Dominica.

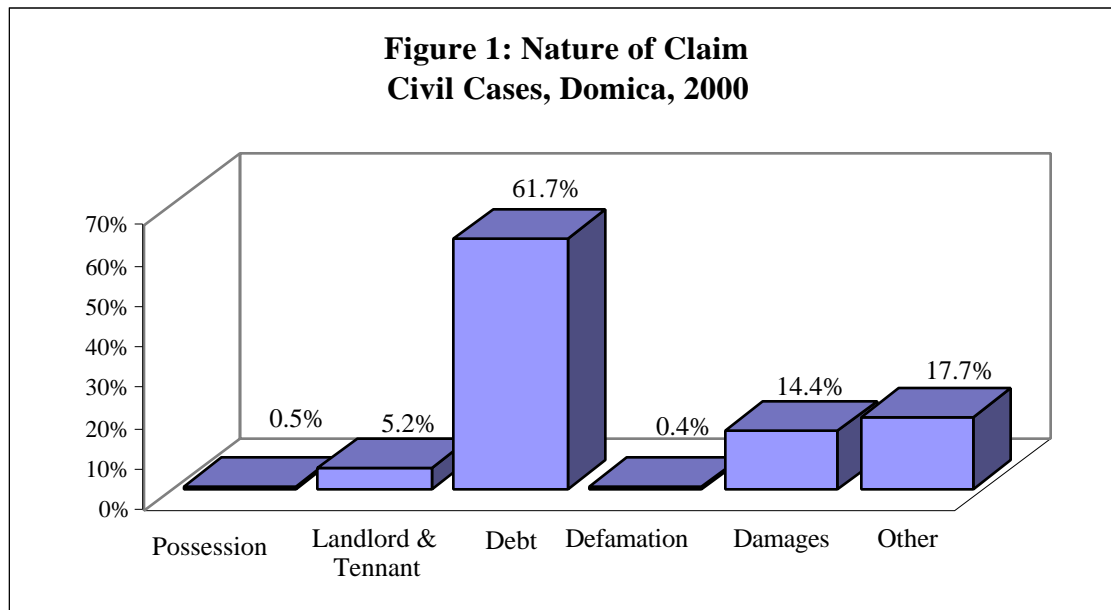
CIVIL CASES

DISTRIBUTION OF CIVIL CASES BY COUNTRY

Dominica accounted for the most civil cases in our data sample 619 civil court cases. Of these cases, the date of claim for the cases was fairly evenly spread between 1999 and 2000.

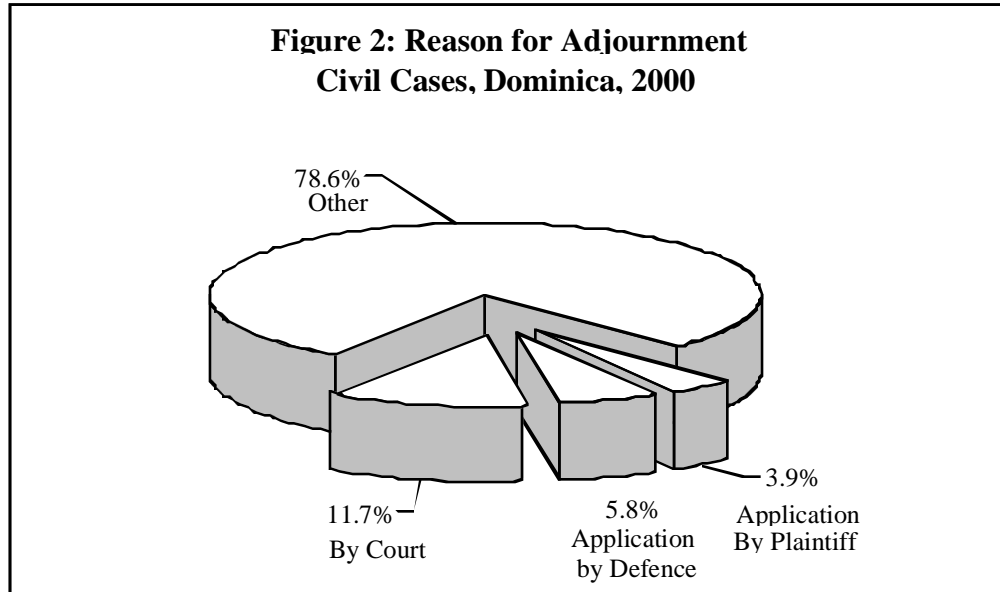
NATURE OF OFFENCE

An analysis of the sample data for Dominica revealed an overwhelming majority of civil cases were debt related (62%), while damages (14%), landlord and tenant (5%), possession (0.5%) claims accounted for the remaining civil cases (Figure 1). A significant percent of cases (18%) can not identify the nature of claim as per the categories cited above.



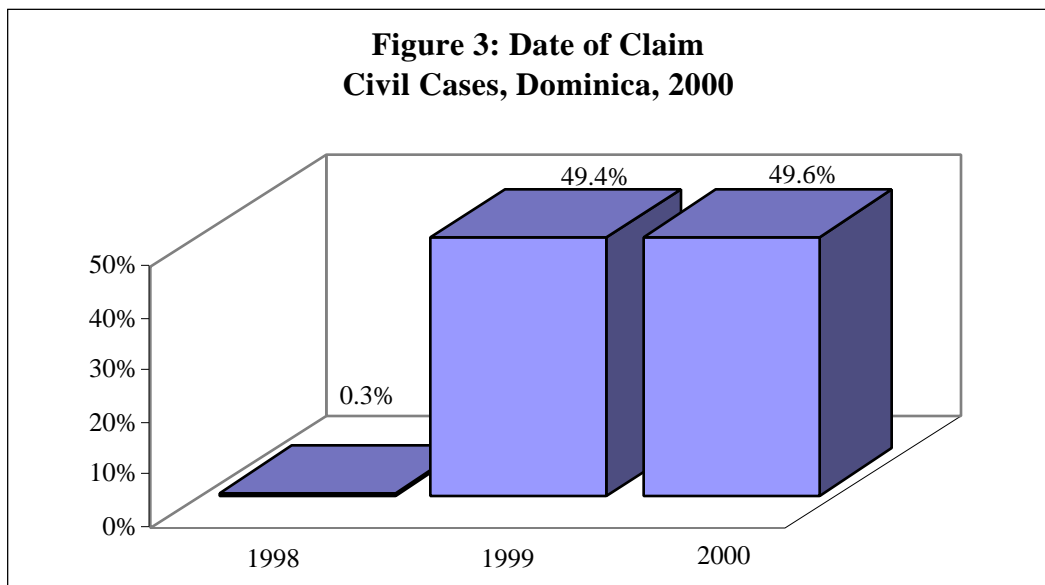
ADJOURNMENTS

An analysis of the sample data of civil cases for Dominica showed civil cases are adjourned on average 1.3 times per case, with a maximum of 10 adjournments in one case (Figure 2). Adjournment by court was cited in 12% of all cases, by application by defense 6% and by plaintiff 4%. A distinctive feature of the Dominica civil case sample showed 'other reasons' were cited in a substantial proportion of cases (79%).



DATE OF CLAIM

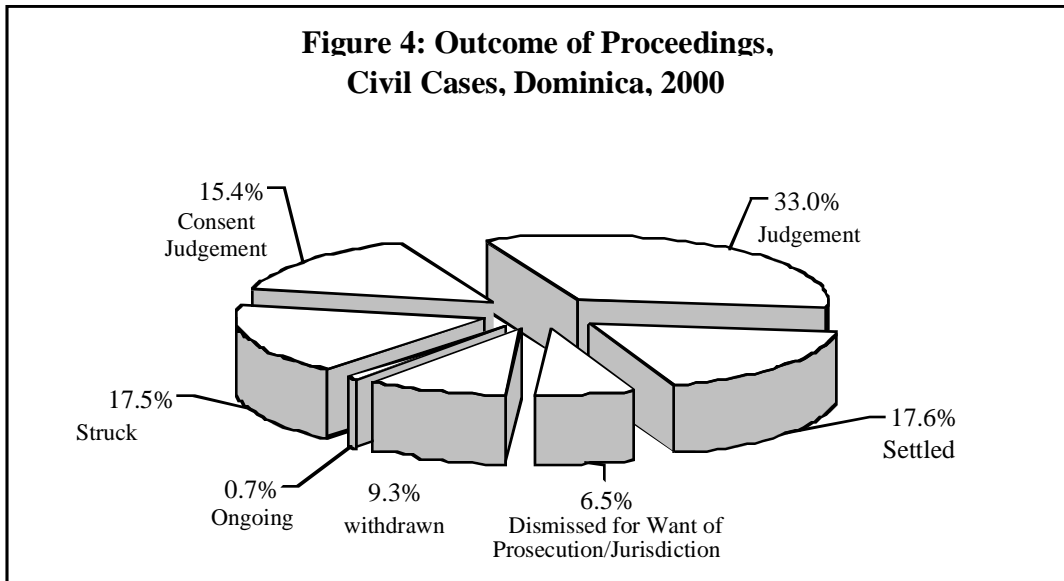
Based on the analysis of the civil case sample for Dominica, roughly half of the cases were completed in 2000, while 21% were completed in 2001 and 28% in 1999. This, when compared with claim dates, (Figure 3), implies that cases took less than a year to complete.



OUTCOME OF PROCEEDINGS

Analysis of the civil case sample for Dominica showed 33% of cases were completed with a judgement, while 18% resulted in settlements and 18% were struck (Figure 4). The

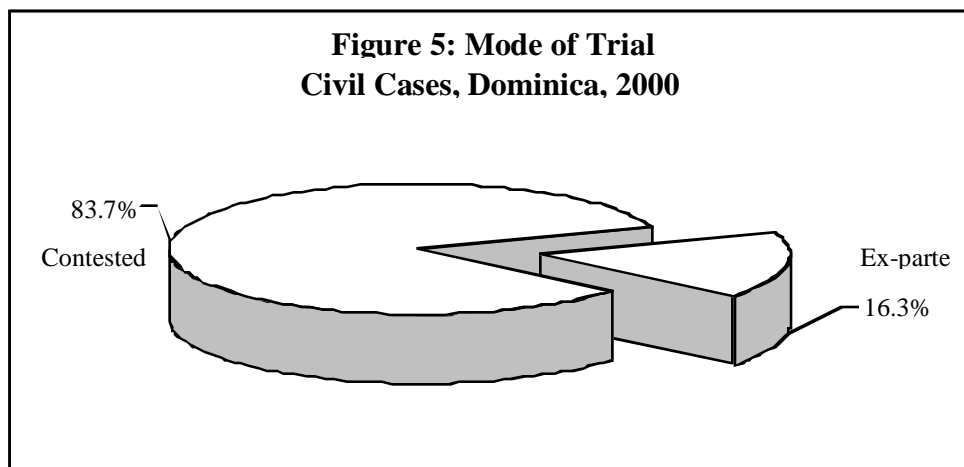
remaining cases resulted in a consent judgement (15%), were withdrawn (9%), or were dismissed for want of prosecution or jurisdiction (7%).



Only 4 cases in the sample of civil cases from Dominica were still ongoing at the completion of the survey. Of these 4 cases, 2 had been part heard, 1 was in the course of settlement and 1 did not state it's progress

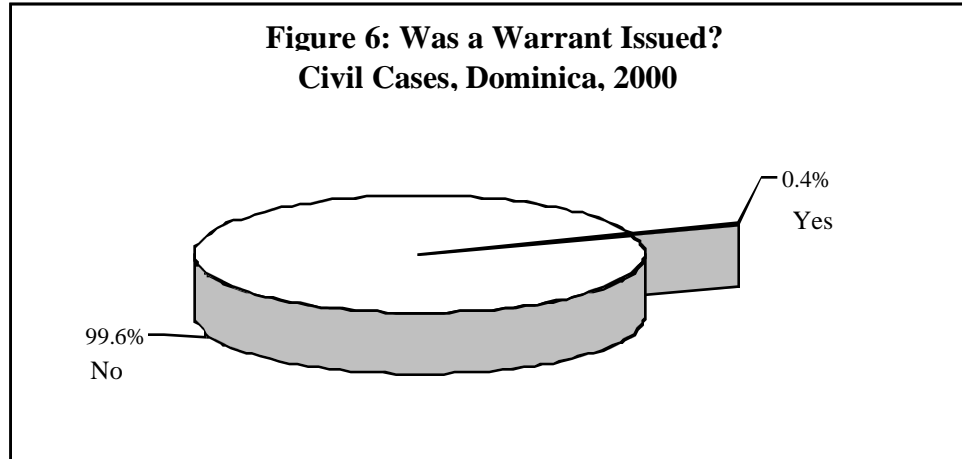
MODE OF TRIAL

Analysis of the sample of civil case from Dominica showed 84% of cases were contested modes of trial, 16% were ex parte. (Figure 5).



WARRANTS

Only 2 warrants had been issued in the civil case sample for Dominica. Both of these were issued and served in 2000 (Figure 6).

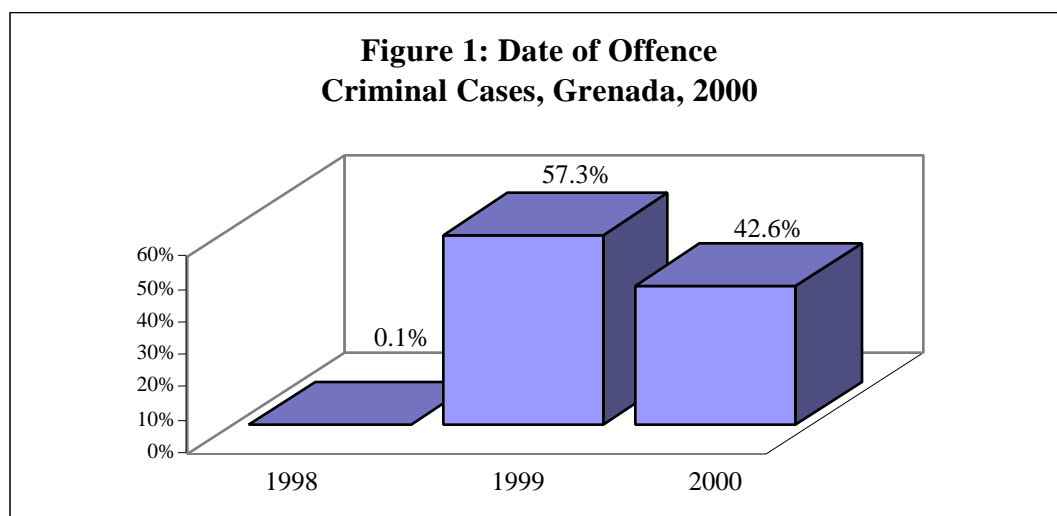


ANNEX C – GRENADA

CRIMINAL CASES

GENERAL INFORMATION

A total of 4,159 criminal case files were contained in the sample data for Grenada. Although the date of offence for the criminal cases in Grenada ranged from the years 1996 to 2000, the majority of cases (99%) had a date of offence in either 1999 (57%) or in 2000 (42.6%).



ACT

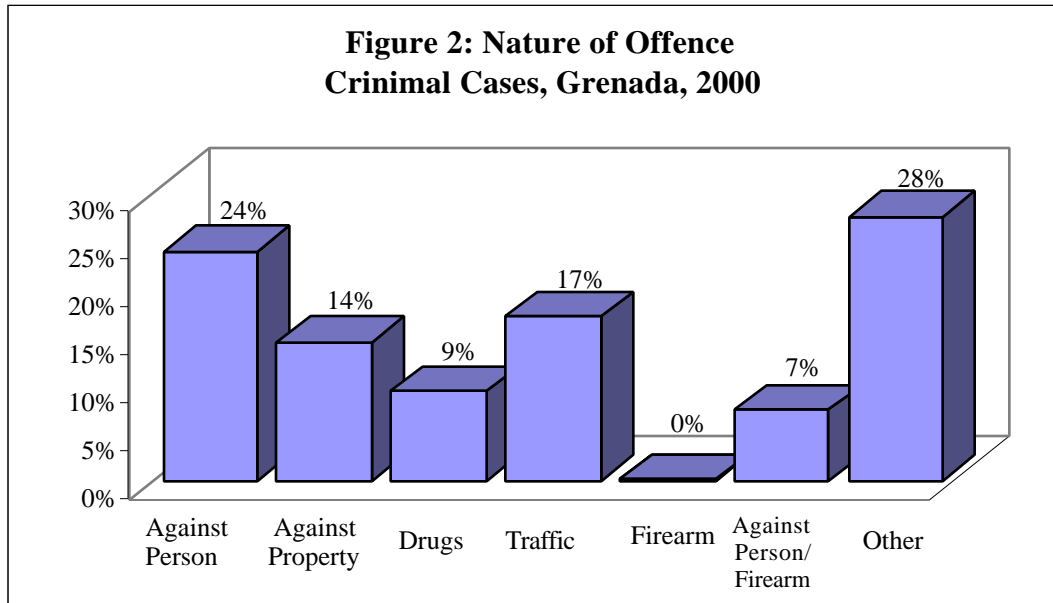
Preliminary examination of relevant act statistics found that the majority of cases were from the Criminal Code, but that Road Traffic and Police Act were also represented.

NATURE OF OFFENCE

Criminal case files in the sample data for Grenada were also examined by nature of offence. Figure 2 shows the distribution of criminal cases by nature of offence. Of the total 4,159 criminal cases in the Grenada sample data in which the nature of offence could be identified, the majority of cases were against person (24%).

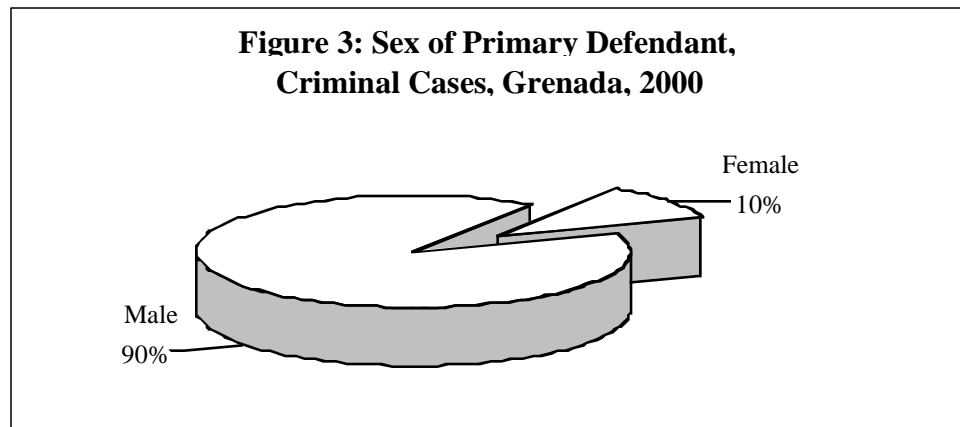
The remaining cases were against property (14%), were traffic related (17%), were drug related offences (9%), or were offences against persons with the use of firearms (7%).

In the majority of criminal cases in Grenada, however, the nature of the offence could not be identified using the major categories of offences in Figure 2.



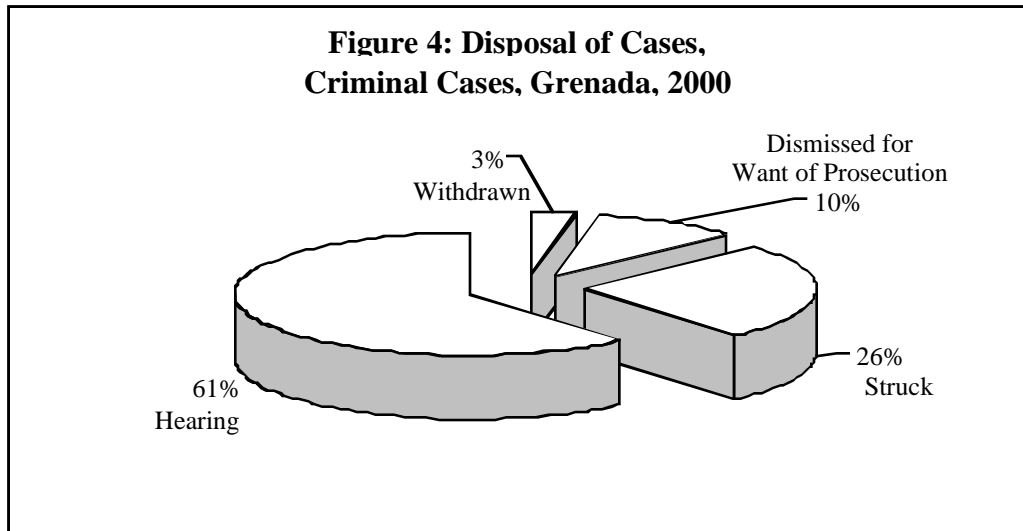
DEFENDANT DETAILS

In an overwhelming majority of the criminal cases in Grenada, the primary defendant was male (90%) rather than female (Figure 3) and in the 149 cases that cited a second defendant, this defendant was also male in 78% of the cases. Only a small proportion of cases involved a juvenile first defendant (27 cases) and in only 6 of the 149 cases with a second defendant, was this defendant a juvenile.



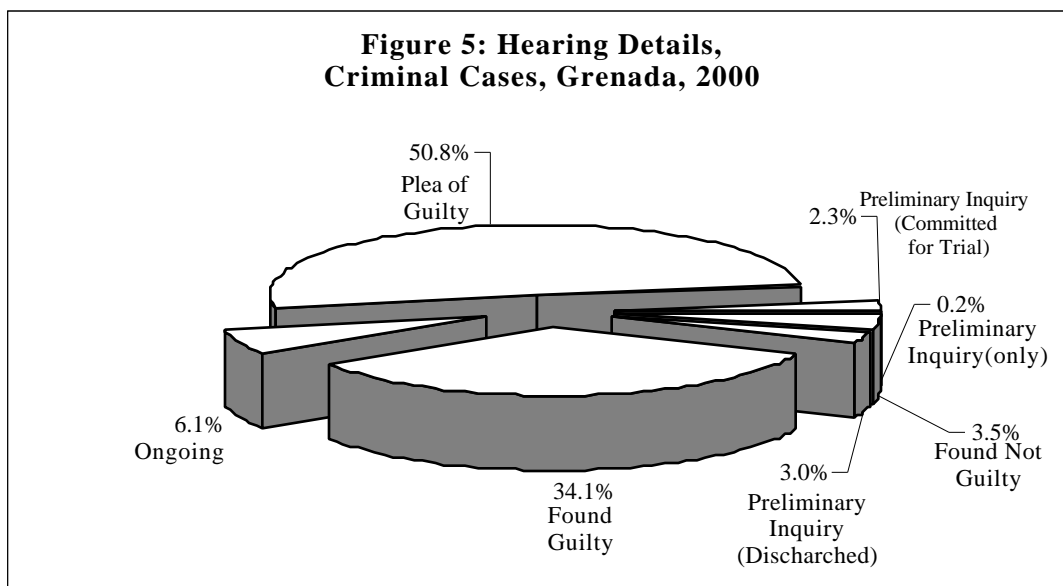
DISPOSAL DETAILS

We also examined the criminal case sample for Grenada with respect to the disposal of cases (Figure 4). The majority of criminal cases were disposed of through a hearing (61%). The remaining cases were either struck (26%), were dismissed for want of prosecution (10%) or were withdrawn (3%). A relatively large proportion of criminal cases were struck (26%) (relative to the other OECS countries examined in this study).



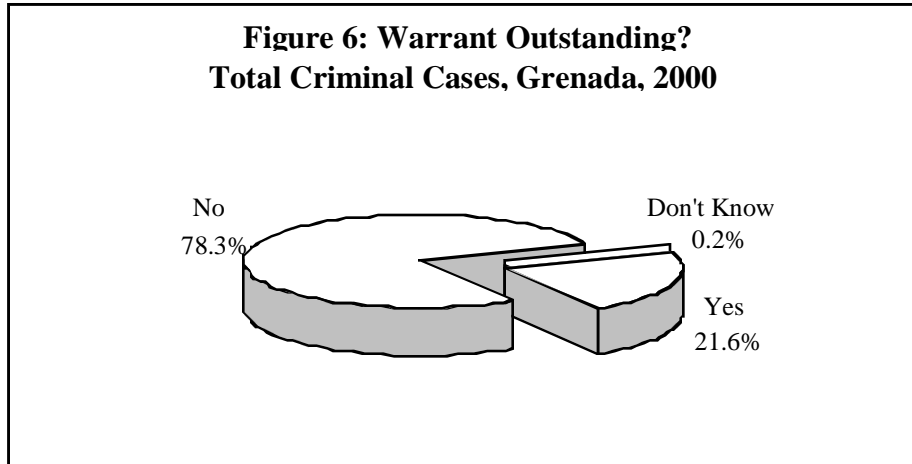
HEARING DETAILS

Criminal cases which were disposed of through a hearing in Grenada were examined in detail (Figure 5). A total of 2,566 criminal cases in the sample data for Grenada were disposed of through hearings. In the majority of these cases, the defendant(s) entered a plea of guilty (51%). In the remaining cases disposed of through a hearing, 34% were found guilty, 6% were still on-going, and 2.3% had a preliminary inquiry and were committed for trial.



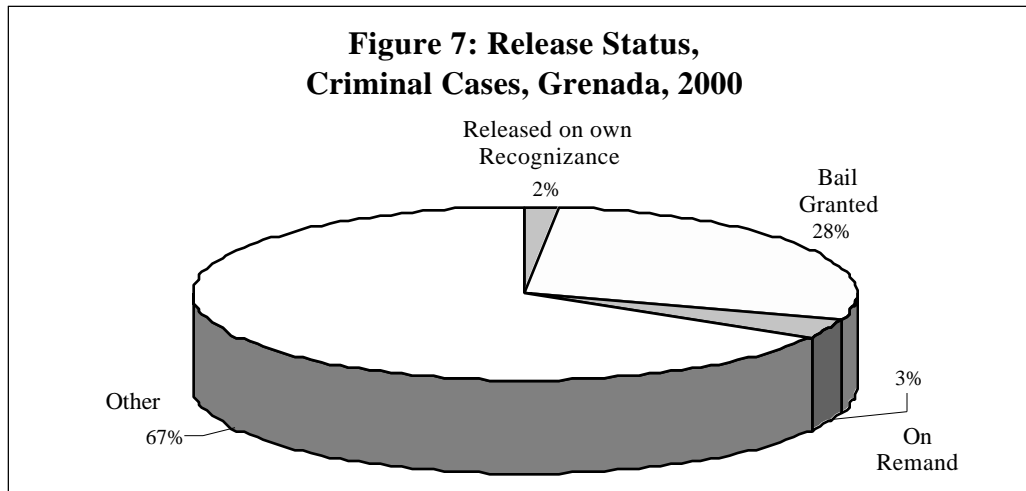
WARRANT

In 671 criminal cases in Grenada, warrants were issued. Of these warrants issued, 78% of these had been served, while 22% were outstanding and 0.2% had unknown status (See Figure 6).



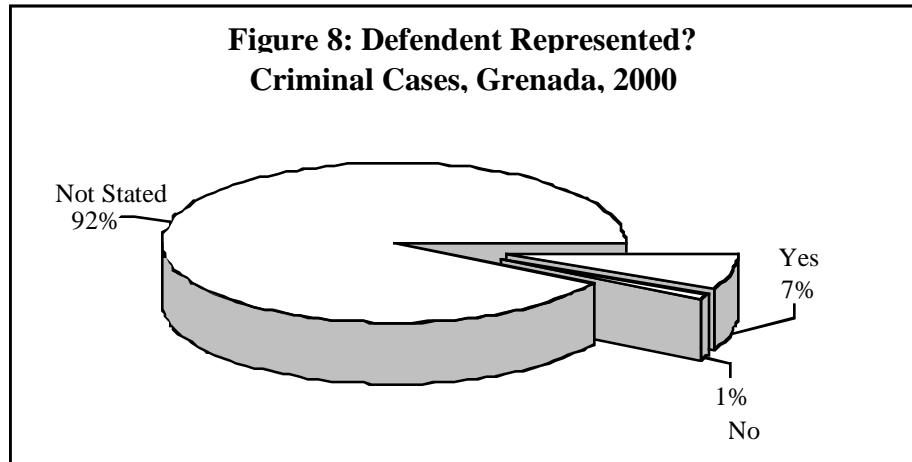
RELEASE STATUS

A total of 3,717 criminal cases in the sample for Grenada reported release status information. Of these, 28% were granted bail, 3% were released on remand and 2% were released on their own recognizance (Figure 7). What is notable, however, is that the majority of cases reporting release information cited reasons other than those in Figure 7 (67%).



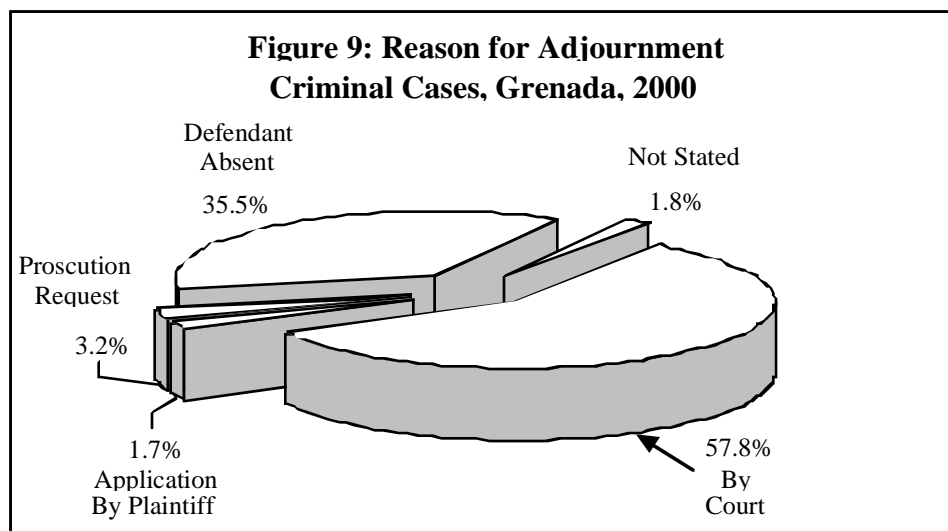
REPRESENTATION

In an overwhelming majority of criminal cases in Grenada (92%), it was not known whether the defendant had been represented (Figure 8). In 1.14% of cases they were not represented. Only in 7% of the criminal cases in Grenada it was known that the defendant(s) were represented by legal council.



ADJOURNMENTS

For the criminal cases in the sample data for Grenada, there was an average of 1.28 adjournments per criminal case. A total of 1,128 criminal cases reported at least one adjournment. In most cases which cite at least one adjournment, the court is cited as a reason for adjournment (58%). In the remaining cases, most of the adjournments occurred because the defendant was absent (36%). Adjournments also occurred because of a request by prosecution (3%) or by application by the plaintiff (2%) (Figure 9).

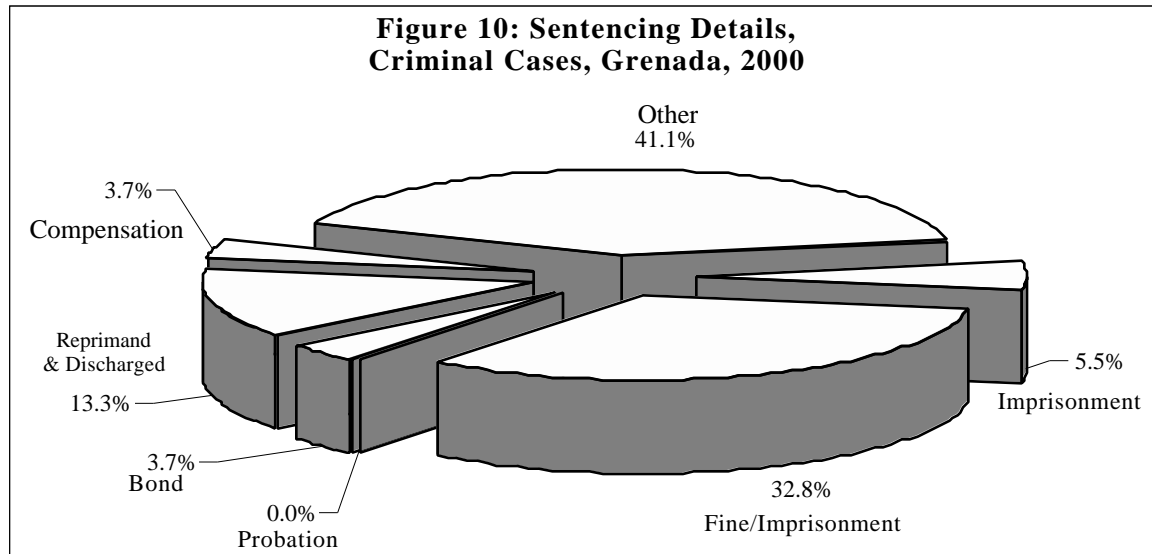


SENTENCING

In the overall sample of criminal cases for Grenada which provided information on sentencing details, the majority of criminal cases (33%) resulted in a combined sentence of imprisonment and fine (Figure 10), with an average fine of 430\$ EC and an average sentence 0.79 months of imprisonment.

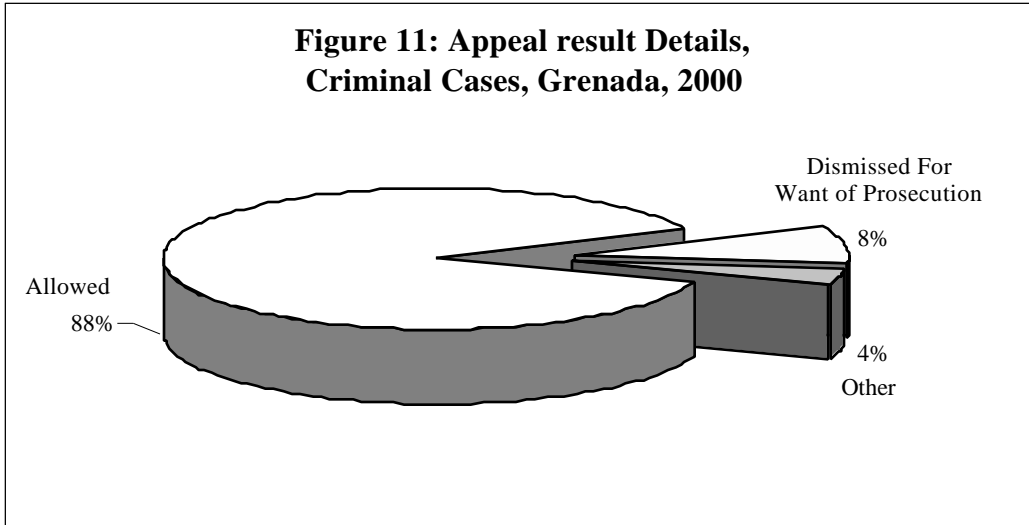
The remaining sentences awarded include reprimand and discharge (13%), imprisonment only (5.5%) with an average length of sentence of 0.38 months, bond (4%) with an average bond of \$4.14 EC dollars and 0.16 months, and compensation (4%).

One case resulted in a sentence of probation. No cases cited community service as a sentence, and 41% had sentences of a type other than those stated in Figure 10.



APPEALS

A total of 10 criminal cases in Grenada had appeals. Of those who stated the origin of the appeal, 9 were from the defendant, and in only one case, from the claimant. Figure 11 shows the breakdown of the results of the criminal cases with appeals in Grenada.



CIVIL CASES

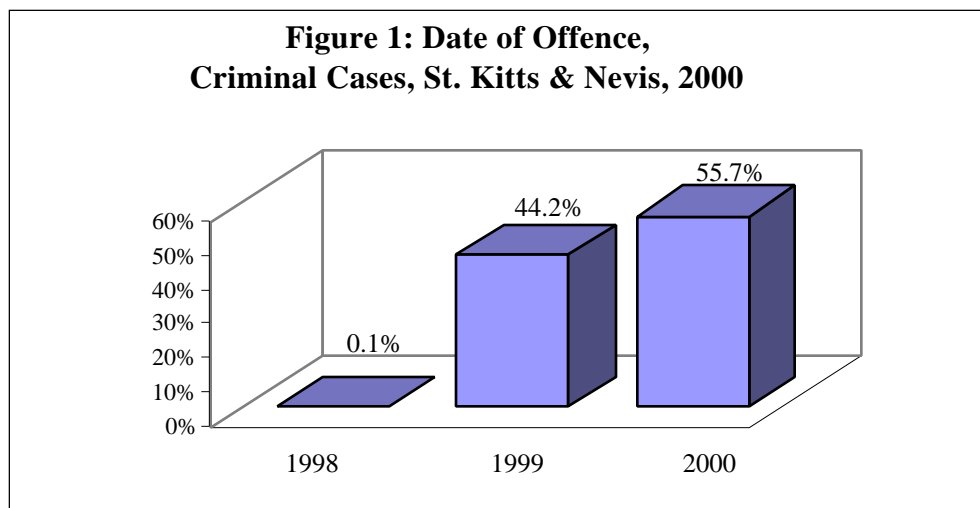
An analysis could not be conducted because of difficulties encountered by researchers in obtaining necessary information from court records.

ANNEX D – ST. KITTS AND NEVIS

CRIMINAL CASES

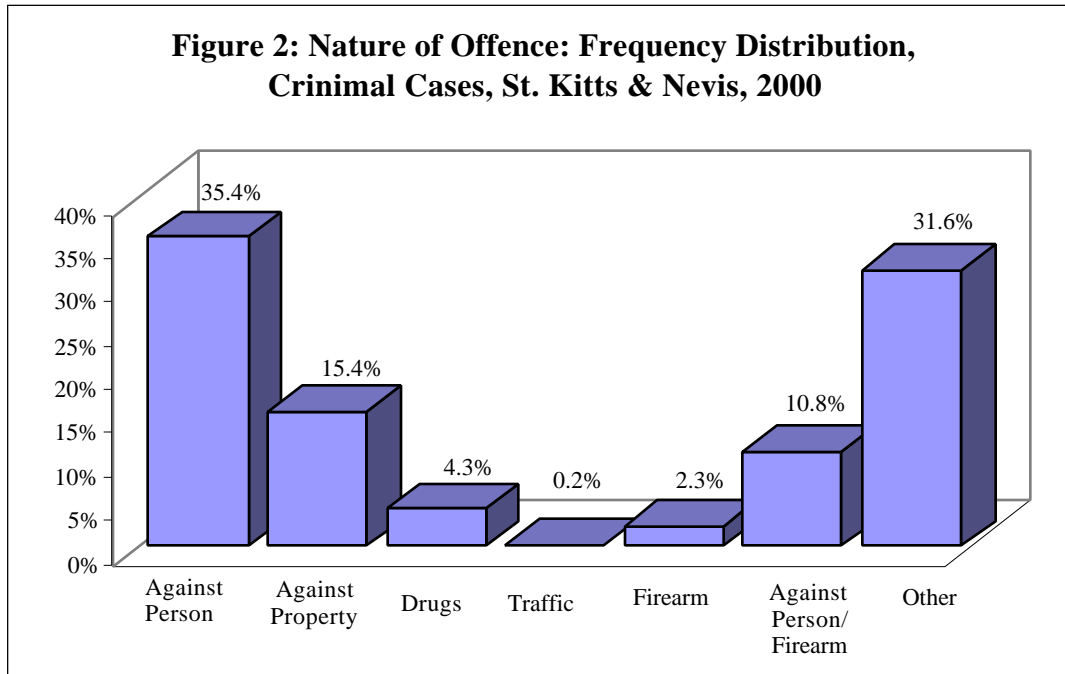
GENERAL INFORMATION

A total of 2,741 criminal cases in the sample data were from St. Kitts and Nevis. These cases were split relatively evenly between 1999 and 2000 for case year, date of offence, the date charge was laid and the date the case was completed. Very few cases cited 1998 and 2001 (Figure 1).



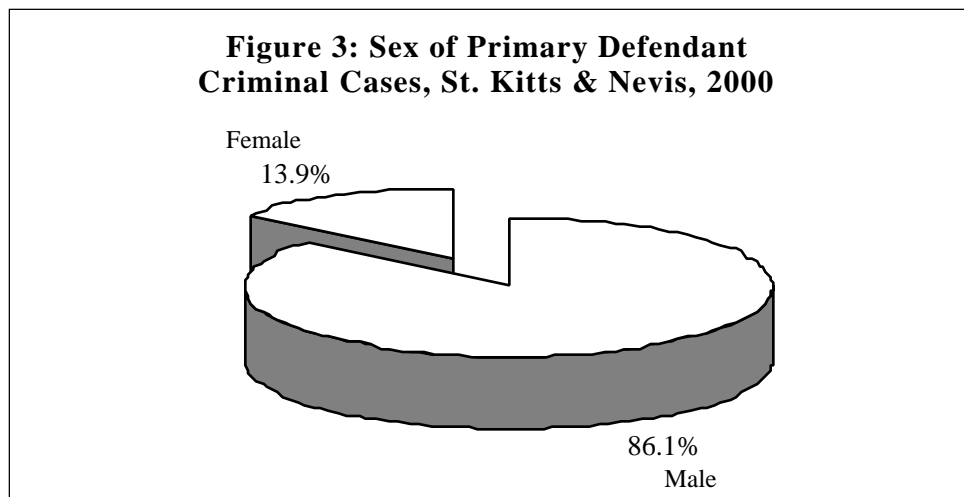
NATURE OF OFFENCE

Criminal case files in the sample for St. Kitts and Nevis were also examined by nature of offence. Figure 2 shows the distribution of criminal cases by nature of offence. The majority of cases were against person (35%), with 15% against property, 11% against person with firearm, 4% involved drugs, 2% involved only firearms and 0.2% were traffic related. One notable feature of the breakdown of criminal cases by offence is that 32% of cases were of a nature not cited above.



DEFENDANT DETAILS

An overwhelming majority (86%) of criminal cases first defendants were male (Figure 3). Of those 121 cases citing a second defendant, the majority were again male (83%). Most of the defendants were not juvenile - 1.5% of first defendants were juvenile and 1.8% of second defendants were juveniles.

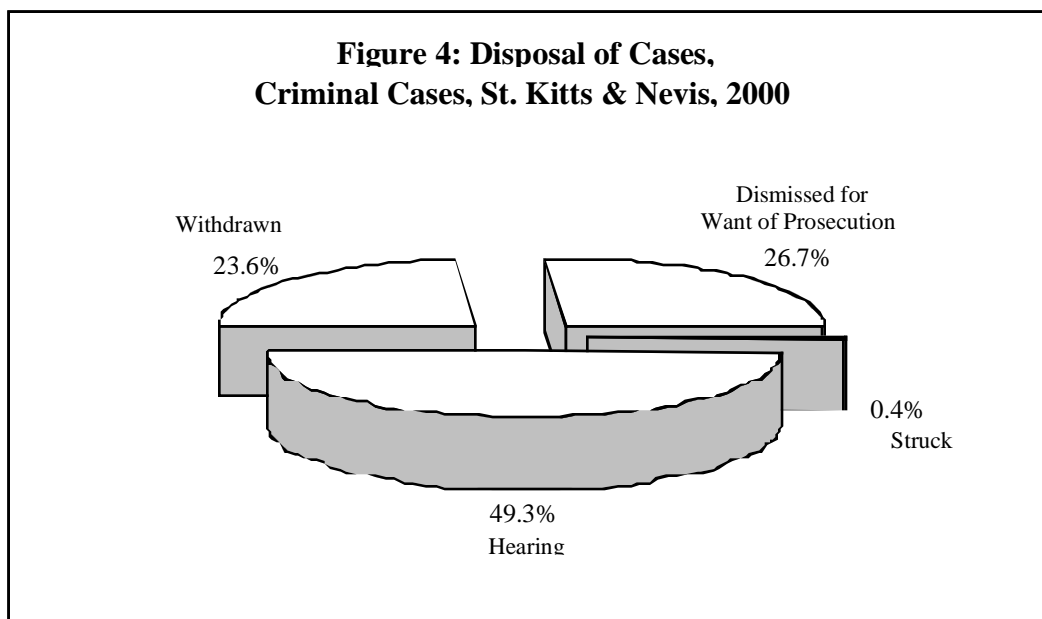


ACT

While the relevant Act for the cases were again hard to interpret, it does appear that the vast majority of cases fell under various sections of the CAP. The drug prevention act, larceny act offences against person and small charges act were also represented.

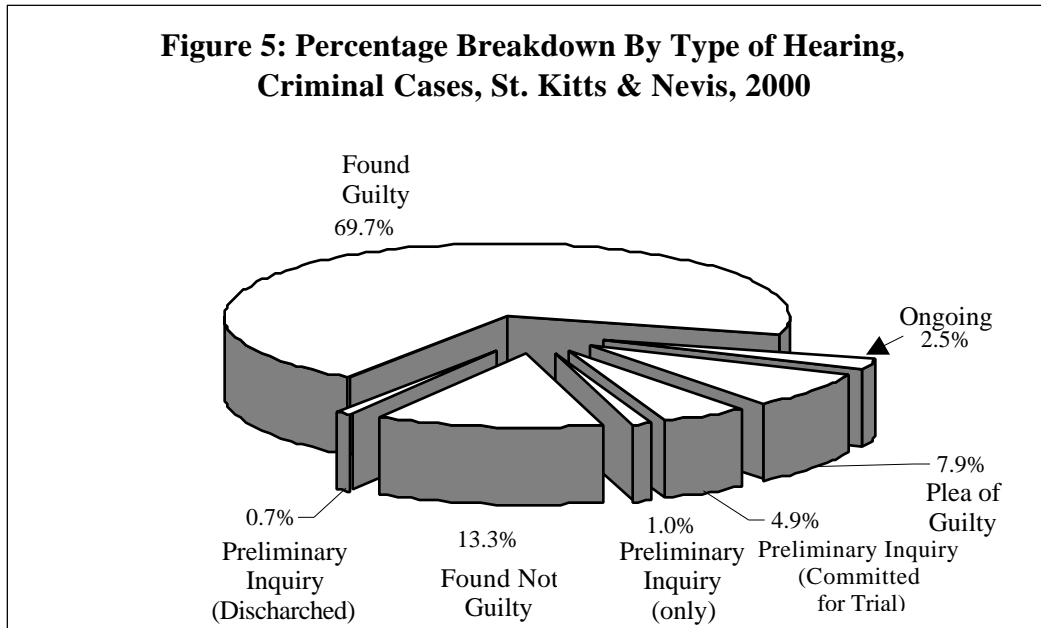
DISPOSAL DETAILS

We also examined the criminal case sample with respect to the disposal of cases (Figure 4). The majority of criminal cases were disposed of through a hearing (49%) or were dismissed for want of prosecution (27%). The remaining criminal cases in the sample data were either withdrawn (24%) or were struck (0.4%).



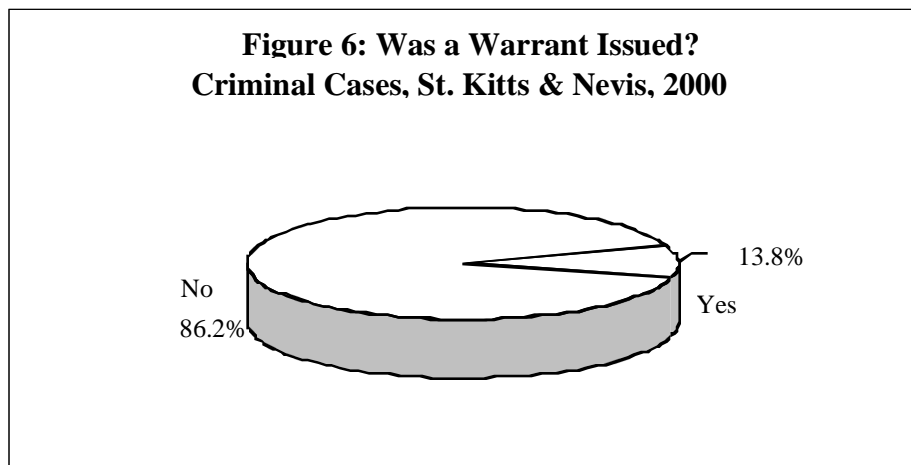
HEARINGS

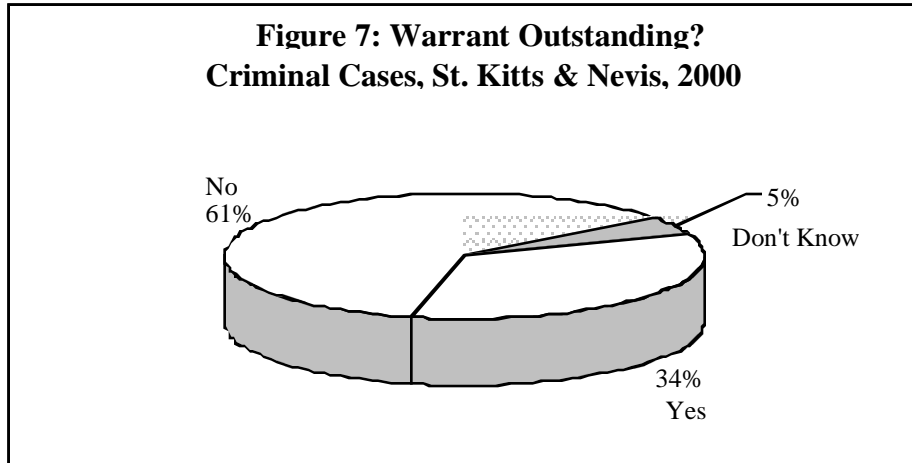
Of the approximately 1,206 criminal cases in St. Kitts and Nevis for which hearings were held, 70% resulted in the defendant being found guilty (See Figure 5). In 13% of these cases the defendant was found not guilty, 8% had guilty pleas, 5% had preliminary inquiries that were committed for trial, 0.7% had preliminary inquiries that were discharged, 1% had preliminary inquiries only and 3% were still ongoing at the time the survey was completed



WARRANTS

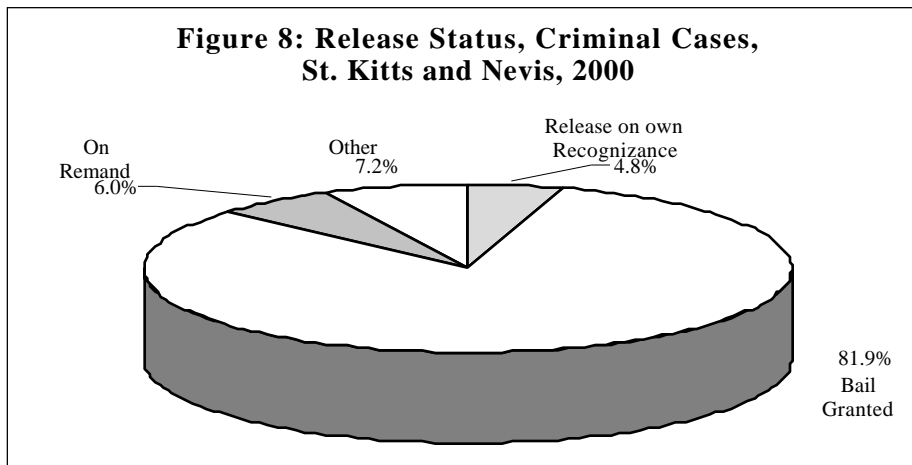
In 14% of the criminal cases in St. Kitts and Nevis a warrant was issued (Figure 6). These warrants were issued mostly in 2000 but also in 1999 and 2001. Of these warrants, 34% were outstanding, 61% had been served and 5% had an unknown status (Figure 7).





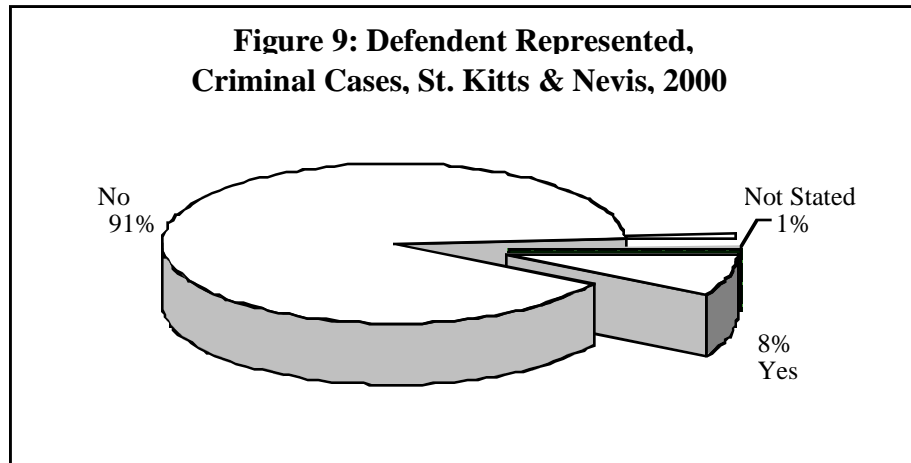
RELEASE STATUS

A total of 82% of the 83 cases with release status stated, had been granted bail (Figure 8), 6% had been held on remand, 5% had been released on their own recognizance and 7% had other outcomes than those cited here.



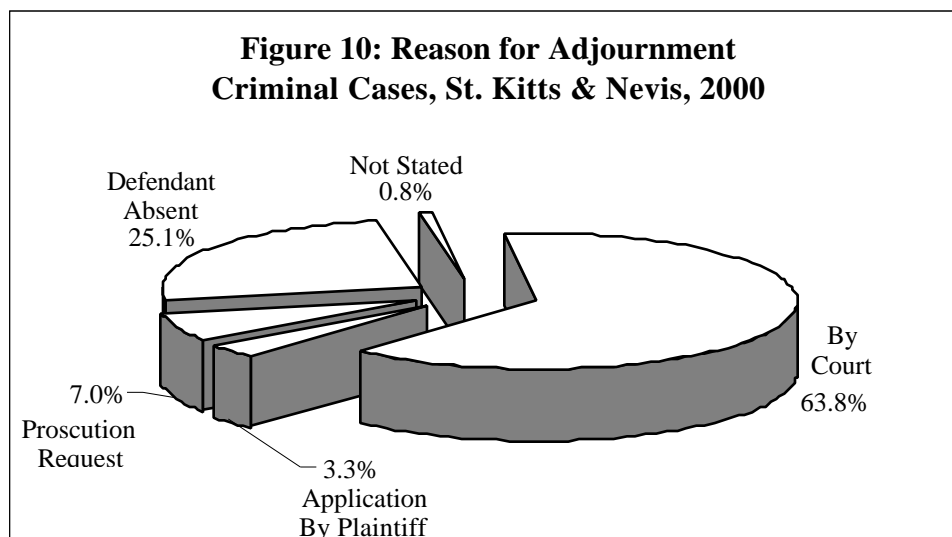
REPRESENTATION

In 91% of the criminal cases in St. Kitts and Nevis, the defendant was not represented, 8% they were and in 1% of cases it was not known (Figure 9).



ADJOURNMENTS

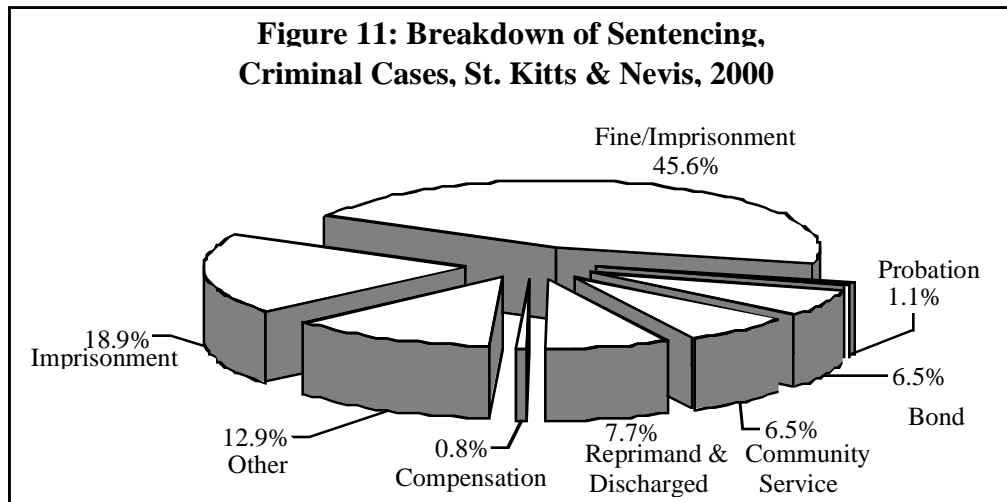
The sample of criminal case files from St. Kitts and Nevis had on average 0.683 adjournments per case file (with a maximum of 18 adjournments in one case file). In the majority of cases, the reason for adjournment was by court (64%), with the remaining reasons cited for adjournment including the absence of a defendant (25%), requested by prosecution (7%), and by application by the plaintiff (3%). (Figure 10).



SENTENCING

In the majority of criminal cases in St. Kitts and Nevis, the sentencing was fine/imprisonment (46%), with an average fine of 217\$ EC and 0.86 months imprisonment (Figure 11). The remaining sentencing included imprisonment (19%), with an average of 0.37 months of imprisonment sentenced, probation (.1%) with an average of 0.37 months probation, a sentence of bond (6.5%) with an average of 0.49 months and 34.91\$EC in the bond, community service sentence (6.5%) reprimand and discharge (8%),

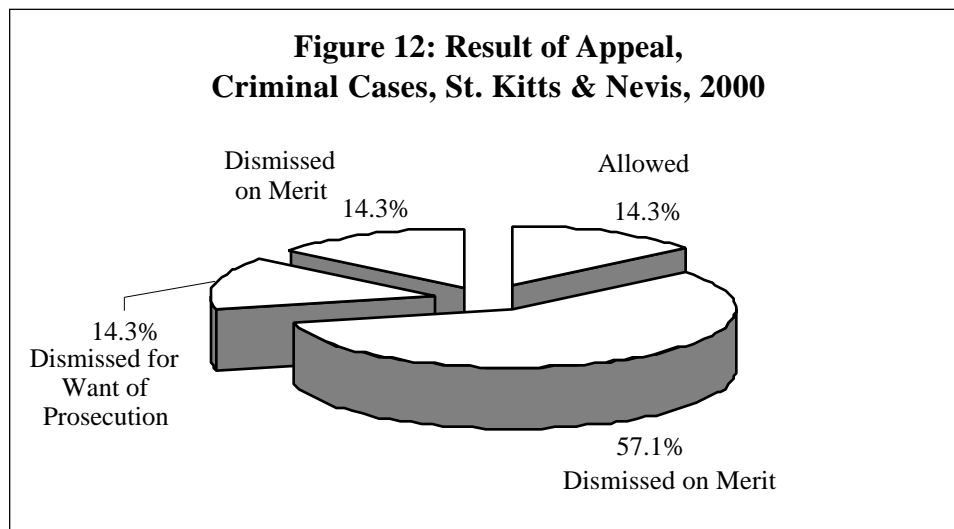
and compensation (.8%). Thirteen percent of cases had sentencing other than those cited in Figure 11.



APPEALS

A total of 9 criminal cases in St. Kitts and Nevis cited appeals. Although the number of cases citing appeals is small, these cases were analyzed with respect to result of appeal. One of the appeals was initiated by the claimant and 8 from the defense.

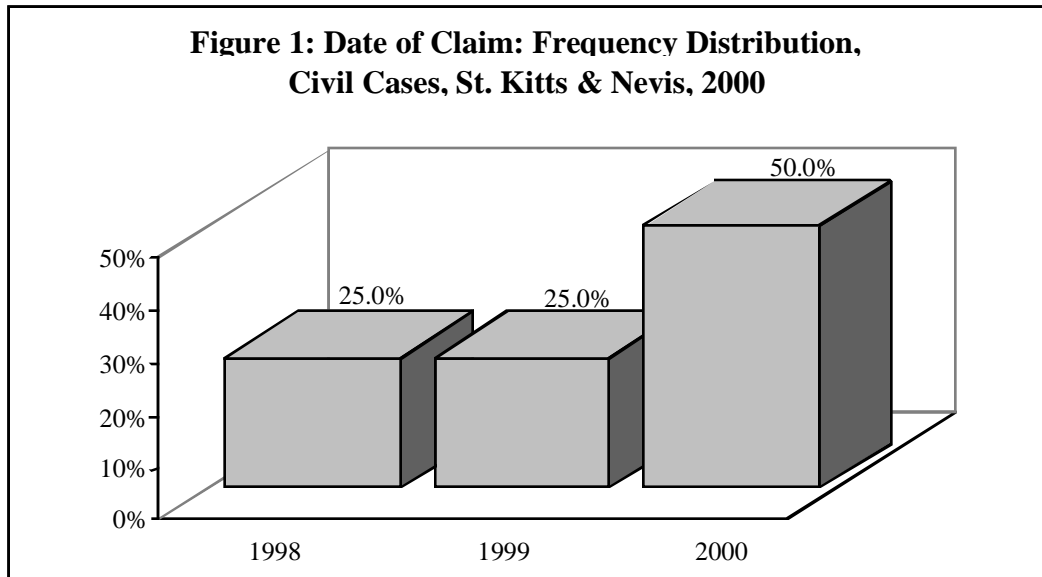
Of those appeals citing results (7 cases cited results), 4 were dismissed on merit (57%), 1 was allowed, 1 was dismissed for want of prosecution and 1 was dismissed on merit (See Figure 12).



CIVIL CASES

GENERAL INFORMATION

Only 4 civil cases were reported on, of which, 2 were active at the town level and 2 at the district level. The distribution of the date of claim for the civil cases in St. Kitts and Nevis is shown in Figure 1.

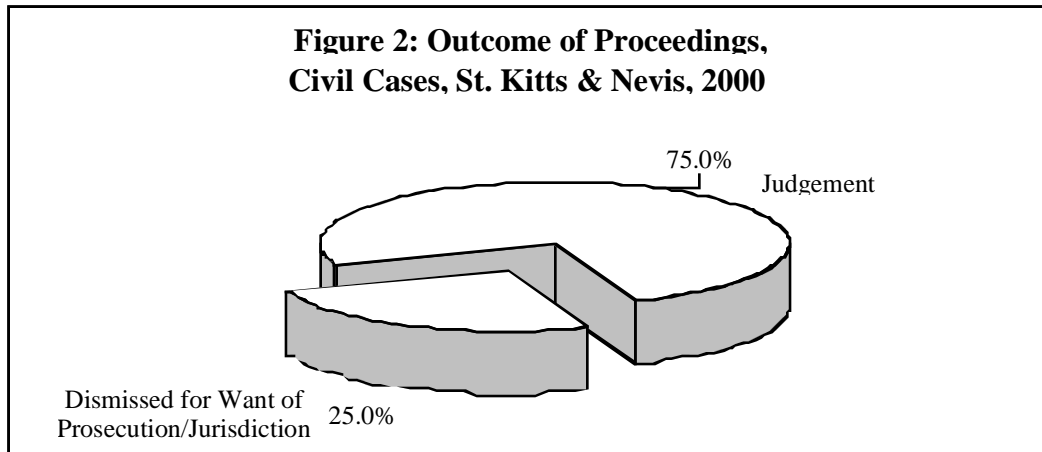


NATURE OF CASE

All of the cases were debt related.

OUTCOME OF PROCEEDINGS

Three of the civil cases were completed with a judgement ruling and 1 was dismissed for want of prosecution.

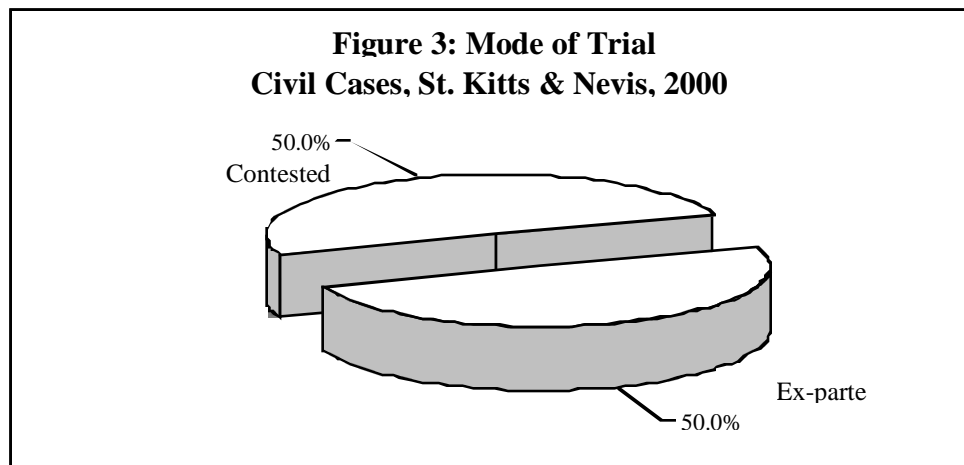


ADJOURNMENTS

The average number of adjournments was 1, with 2 adjournments being the maximum number of adjournments in one case. It appears that all adjournments cited reasons for adjournment other than application by defense, by plaintiff or by court

MODE OF TRIAL

The cases were evenly split between contested and ex parte. (Figure 3).



WARRANTS

No warrants were issued for civil cases in St. Kitts and Nevis.

ANNEX E – ST. LUCIA

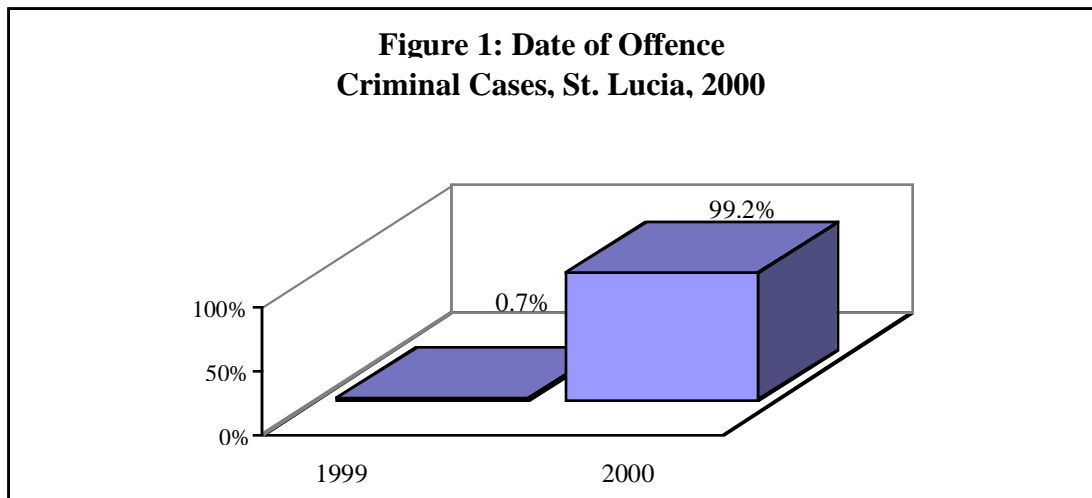
CRIMINAL CASES

GENERAL INFORMATION

A total of 5,150 criminal case files were contained in the sample data for St. Lucia.

DATE OF OFFENCE

Although the date of offence for the criminal cases in St. Lucia ranged from the years 1988 to 2000, over in 99 percent of the cases the offence occurred in 2000 (Figure 1).

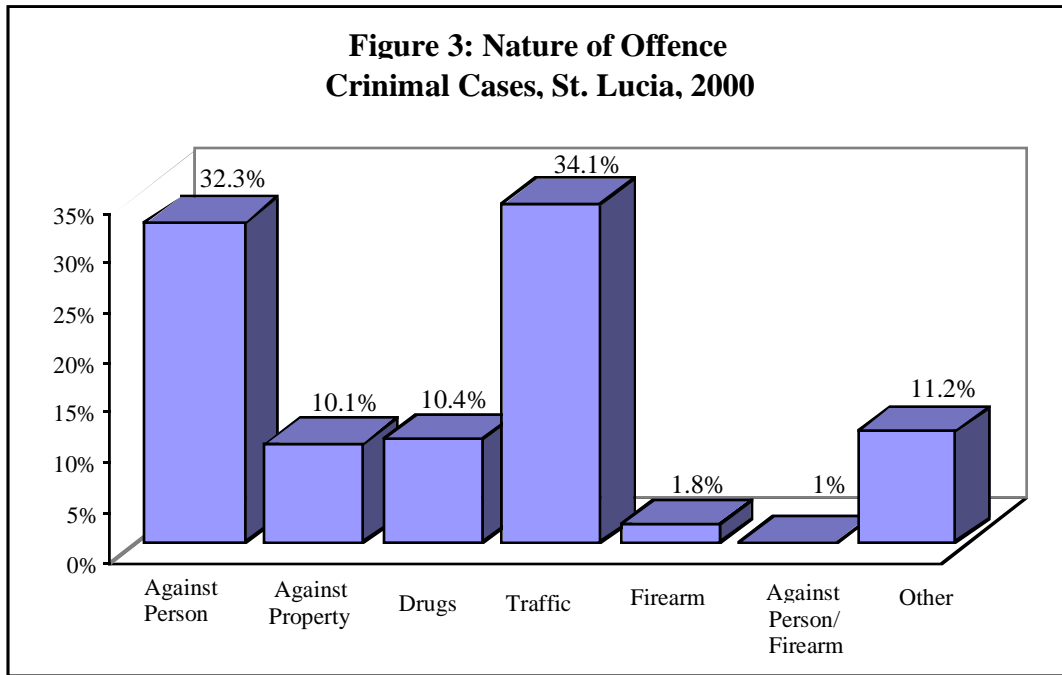


NATURE OF OFFENCE

Criminal case files in the sample data for St. Lucia were also examined by nature of offence. Figure 3 shows the distribution of criminal cases by nature of offence.

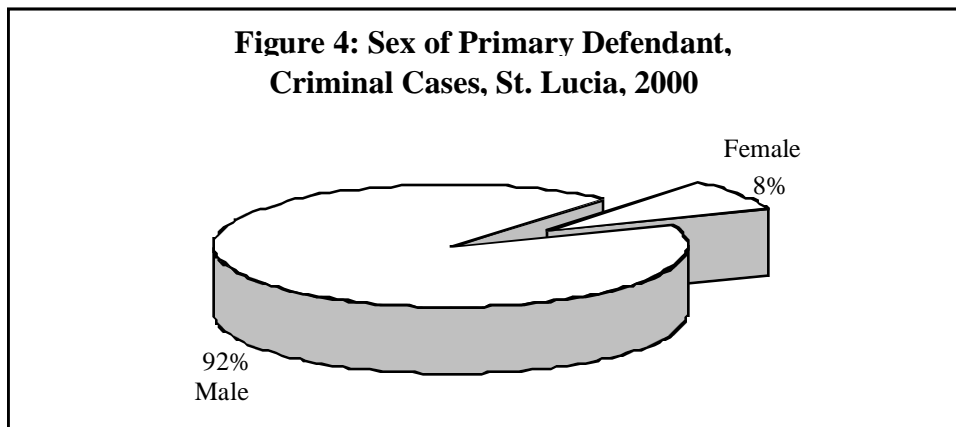
Of the total 5,150 criminal cases, the majority were traffic related (34%) and against person (32%). The remaining cases involved offences against property (10%) and drug offences (10%), with a small percentage involving firearms (2%) and offences against persons involving firearms (1%). In 11% of cases, the nature of the offence could not be

identified.



DEFENDANT DETAILS

In an overwhelming majority of the criminal cases, the primary defendant was male (92%) rather than female (Figure 4) and in the 109 cases that cited a second defendant, this defendant was also male in 78% of the cases. Only a small proportion of cases involved a juvenile first defendant (1.4%) and only 7 of the 109 cases with a second defendant, was a juvenile.

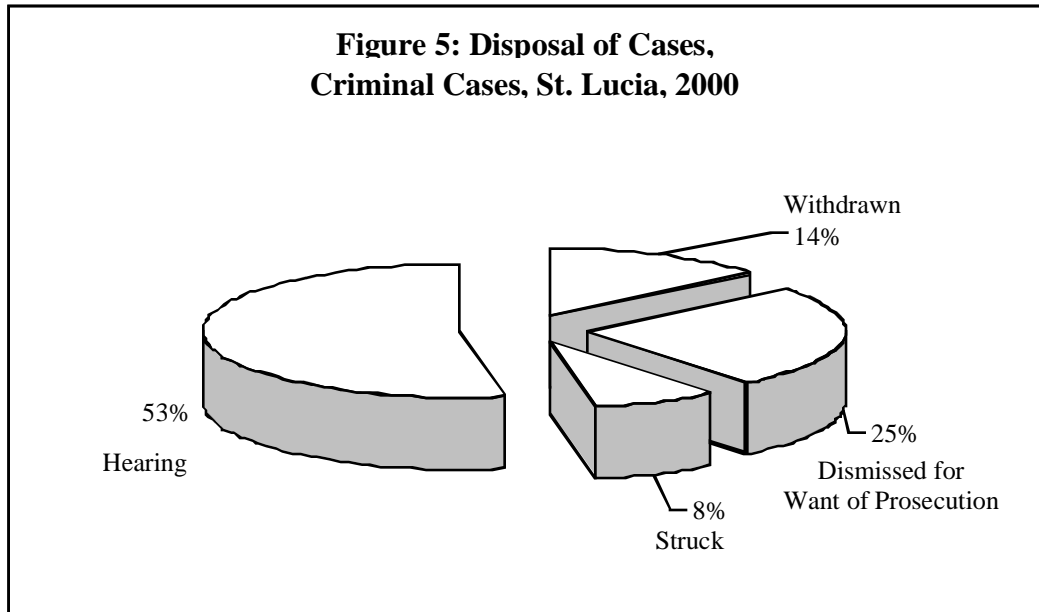


ACT

Again a preliminary examination of the Act cited would suggest that a large portion of the cases fall under the Criminal Code, but the MV and RT Act was also represented.

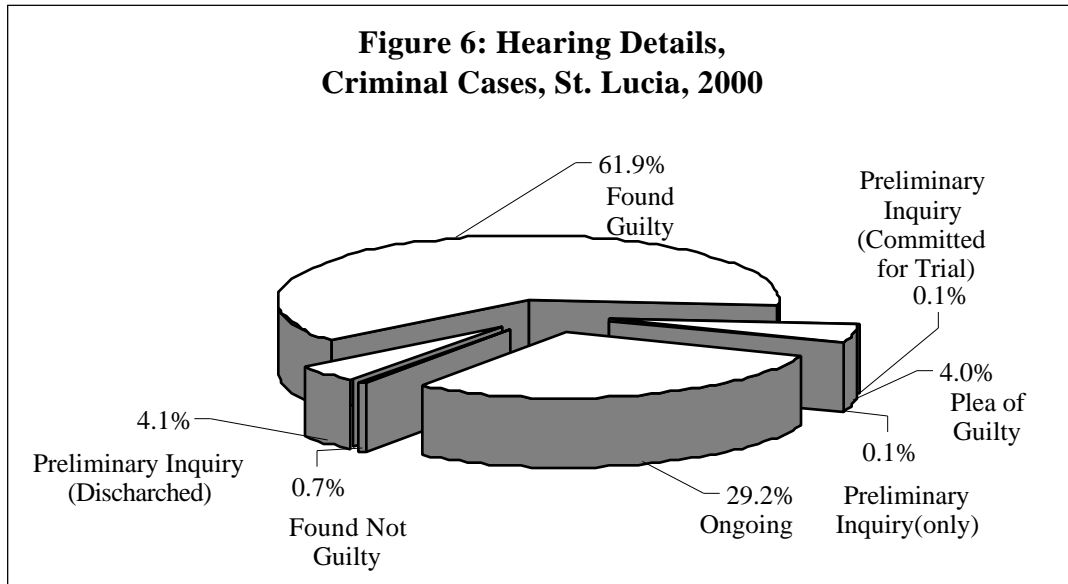
DISPOSAL DETAILS

We also examined the criminal case sample for St. Lucia with respect to the disposal of cases (Figure 5). The majority of criminal cases were disposed of through a hearing (53%) or were dismissed for want of prosecution (25%). The remaining criminal cases in the sample data were either withdrawn (14%) or were struck (8%).



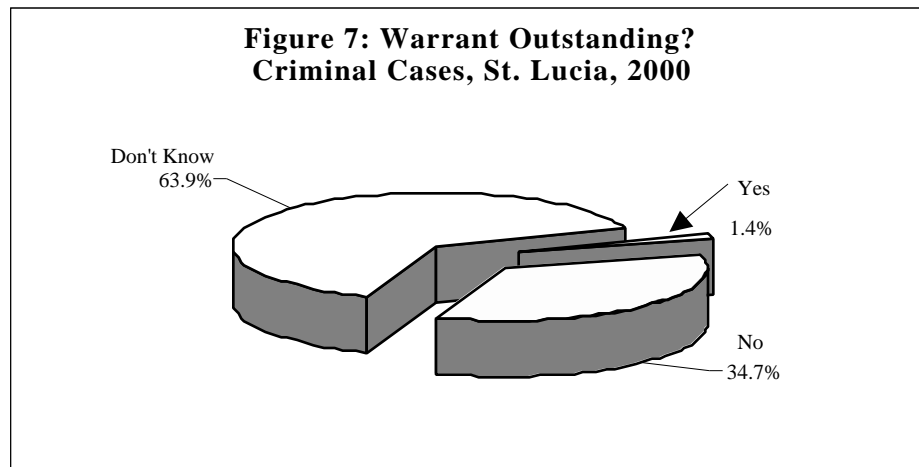
HEARING DETAILS

Criminal cases which were disposed of through a hearing in St. Lucia were also examined in detail (Figure 6). A total of 2,716 criminal cases in the sample data for St. Lucia were disposed of through hearings. In the majority of these cases, the defendant(s) were found guilty (62%). In the remaining cases disposed of through a hearing, 29% were still on-going, 4% had a preliminary inquiry and were discharged, and 4% entered a plea of guilty.



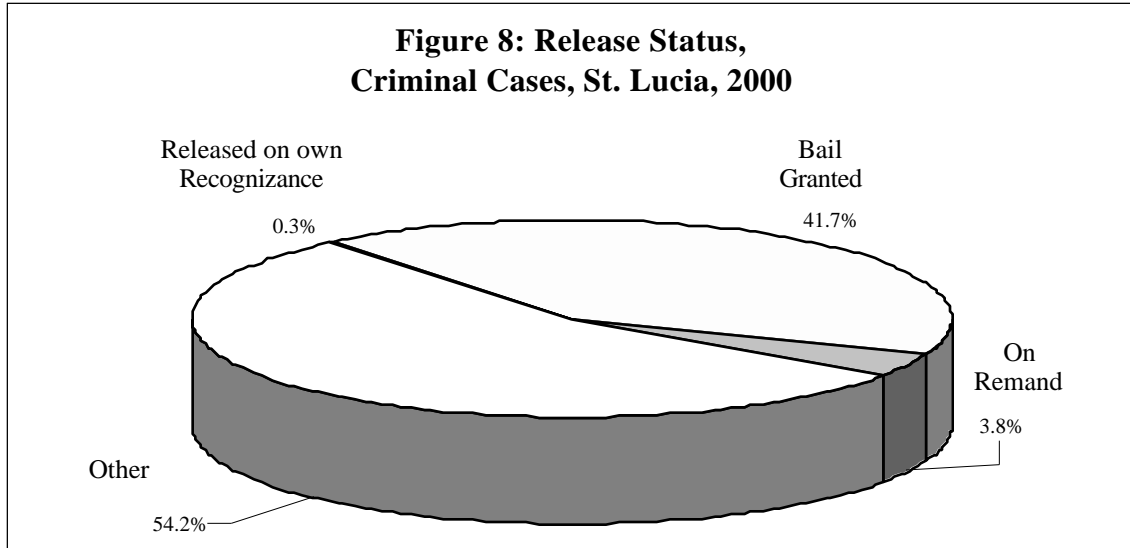
WARRANTS

In 1.3% of the criminal cases in St. Lucia (68 cases) warrants were issued. Of these warrants issued, 64% of these had unknown status, while 34.7% had been served and 1.4% were outstanding (Figure 7).



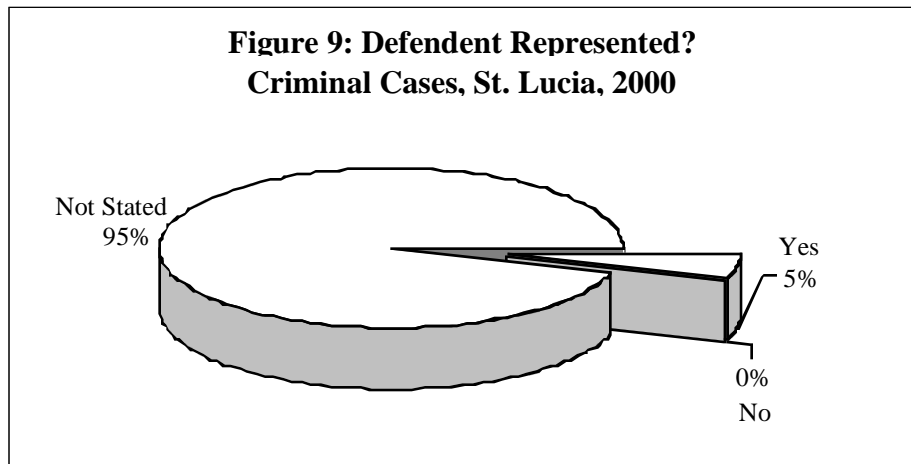
RELEASE STATUS

A total of 4,909 criminal cases in the sample for St. Lucia reported release information. Of these, 42% were granted bail, 3.8% were released on remand and 0.3% were released on their own recognizance (Figure 8). What is notable, however, is that the majority of cases reporting release information cited reasons other than these for the release (54%).



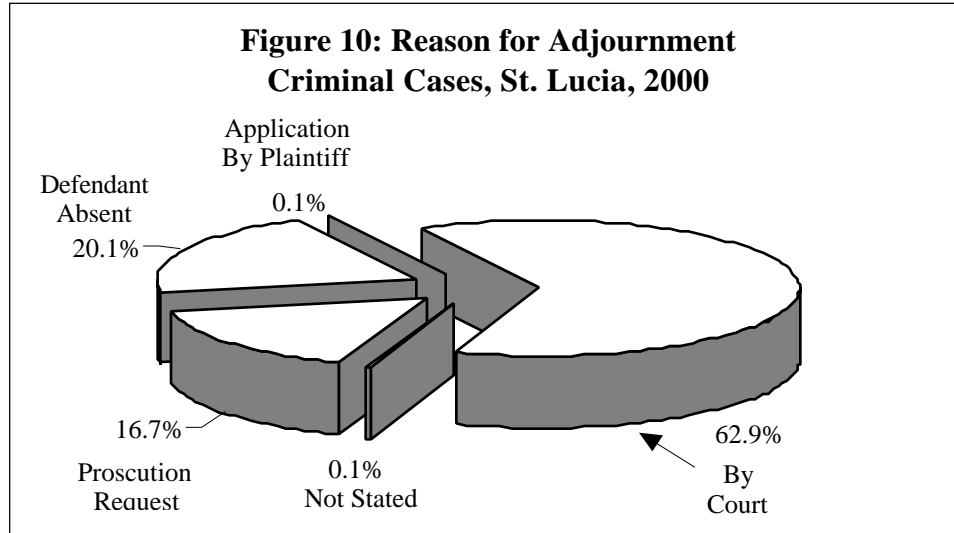
REPRESENTATION

In an overwhelming majority of criminal cases in St. Lucia (95%), it was not stated whether the defendant had been represented (Figure 9).



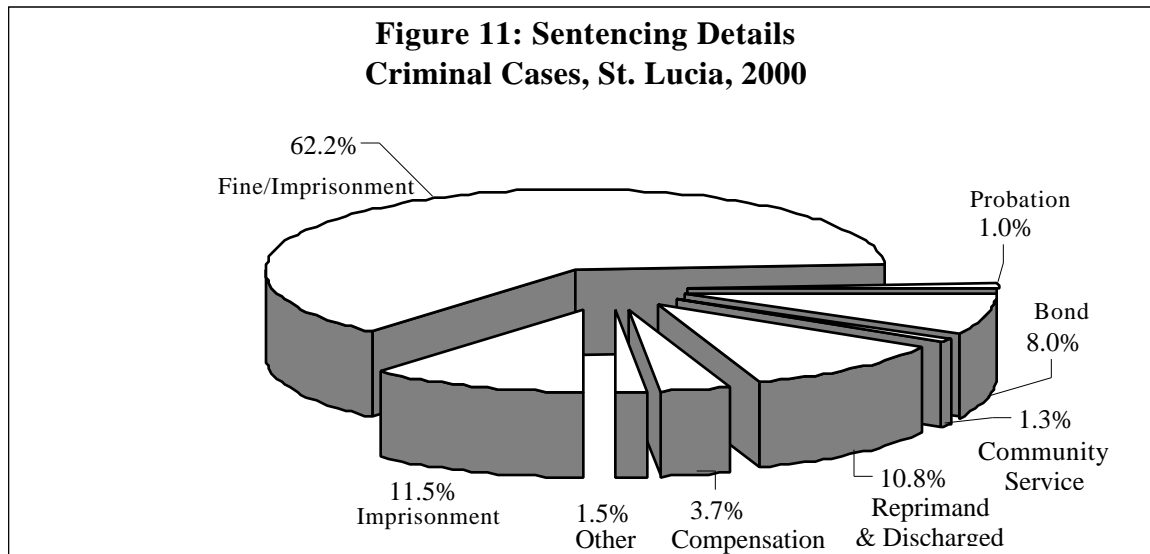
ADJOURNMENTS

For the criminal cases in the sample data for St. Lucia, there was an average of 2.7 adjournments per criminal case. A total of 4,472 criminal cases reported at least one adjournment. In most cases which cite at least one adjournment, the court is cited as a reason for adjournment (63%) or the defendant is absent (20%). In the remaining cases, (Figure 10) adjournments occurred due to request by prosecution (17%), with a small percentage resulting from an application by the plaintiff (0.1%).



SENTENCING

In the overall sample of criminal cases for St. Lucia, the majority of criminal cases (62%) resulted in a combined sentence of imprisonment and fine with an average fine of 948\$ EC and an average sentence 1.7 months (Figure 11). The remaining sentences awarded include imprisonment only (12%) with an average length of sentence of 1.17 months, reprimand and discharge (11%), bond (8%) with an average bond of \$20.16 EC dollars and 0.97 months, Compensation (3.7%), and probation (1%).



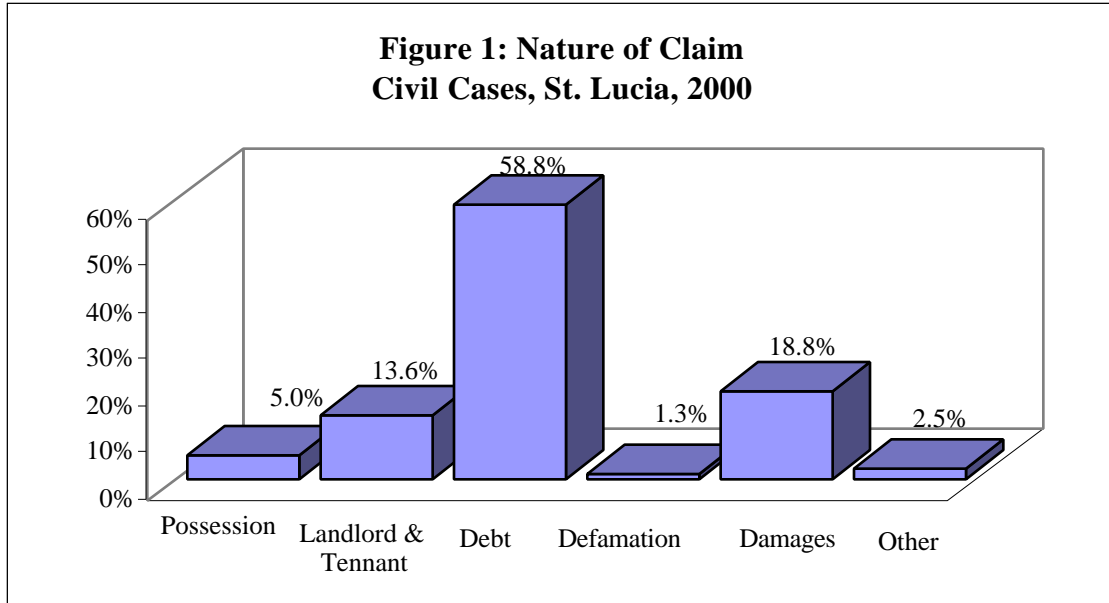
APPEALS

No appeals were reported in St. Lucia.

CIVIL CASES

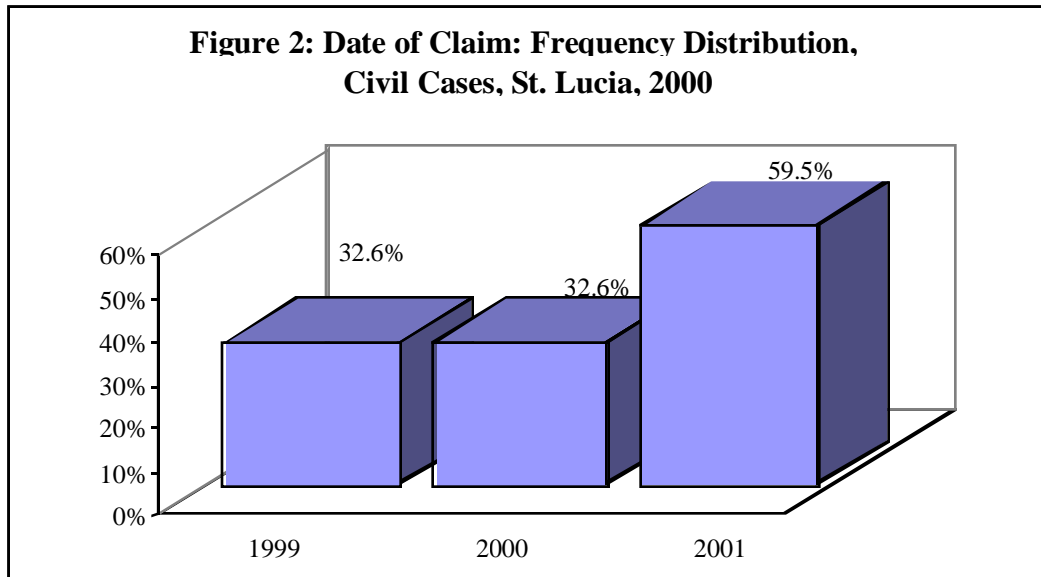
NATURE OF CASE

Of the 397 cases, the majority were debt-related (59%), with the remaining claims for cases related to damages (19%), landlord and tenants (14%), possession (5%), and defamation (1%). Reasons other than those cited here were the nature of the claim in 3% of the cases (Figure 1).

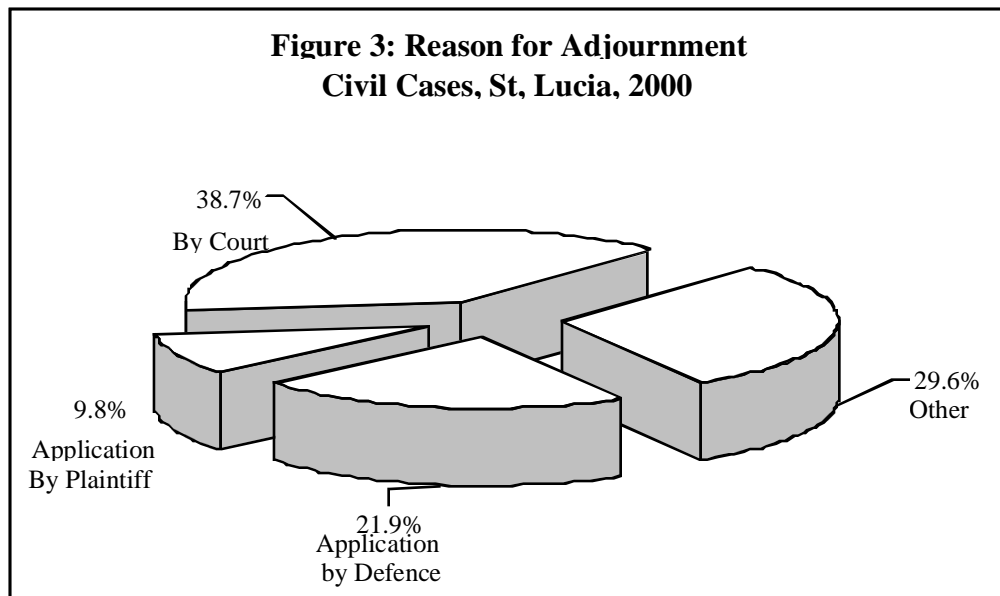


ADJOURNMENTS

The majority of civil cases in St. Lucia were cases in which the claims were made in the year 2001 (60%), with the remainder of claims equally divided between 1999 and the year 2000 (Figure 2).



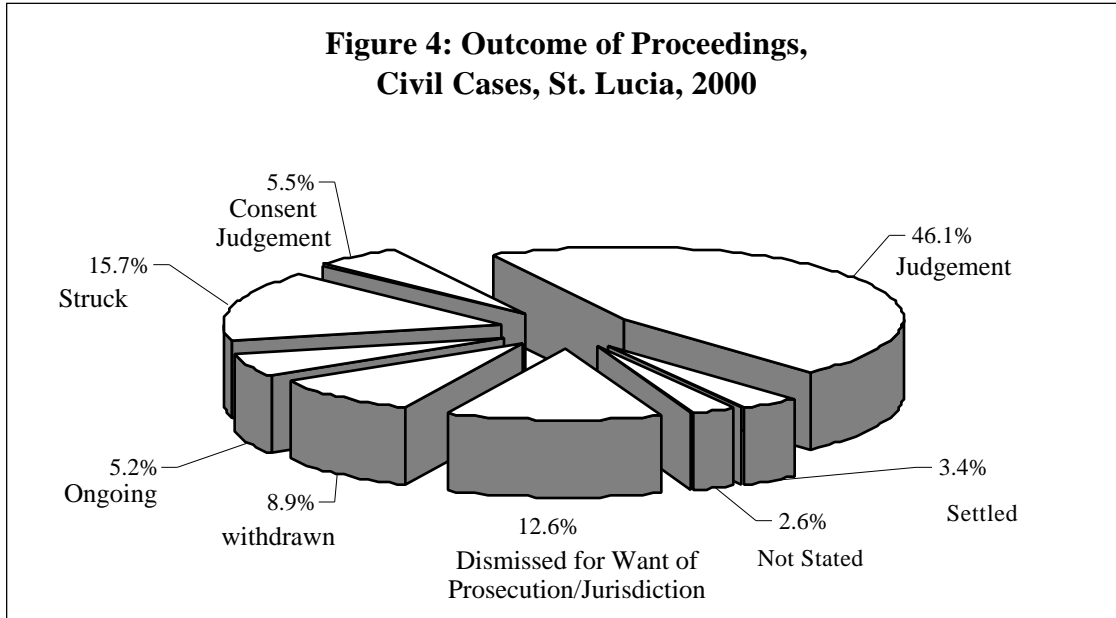
Based on the analysis of the civil court cases contained in the sample for St. Lucia, the average number of adjournments was 3.798 per civil case. The maximum number of adjournments for one case was 17 adjournments. Of the 397 civil cases, 115 cases or 39% cited the court in their reason for adjournment (Figure 3). Other reasons cited include application by the defense (22%) and by the plaintiff (10%). In almost 30% of cases, the reason for adjournment was other than the reasons cited in Figure 3.



OUTCOME OF PROCEEDINGS

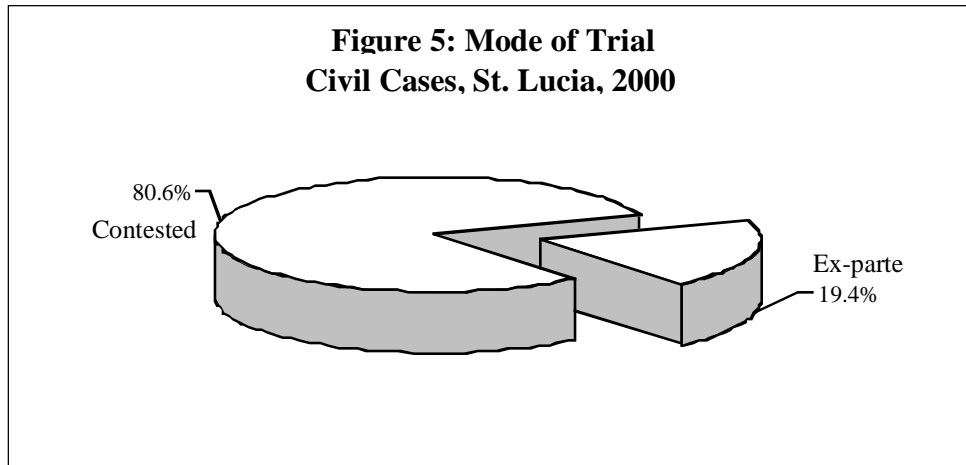
Based on the analysis of the civil court cases contained in the sample for St. Lucia, the majority of cases were completed with a judgment (46%). In the remaining cases, 16% of

cases were struck, 13% were dismissed for want of prosecution or jurisdiction, 9% were withdrawn, 5.5% consent judgement and 3% were settled (Figure 4). A total of 20 cases were still ongoing and 10 did not state an outcome and 5 were in the course of settlement.



MODE OF TRIAL

Analysis of the civil court cases contained in the sample for St. Lucia showed 81% of cases were contested modes of trial and the remaining 19% were ex parte (Figure 5).



WARRANTS

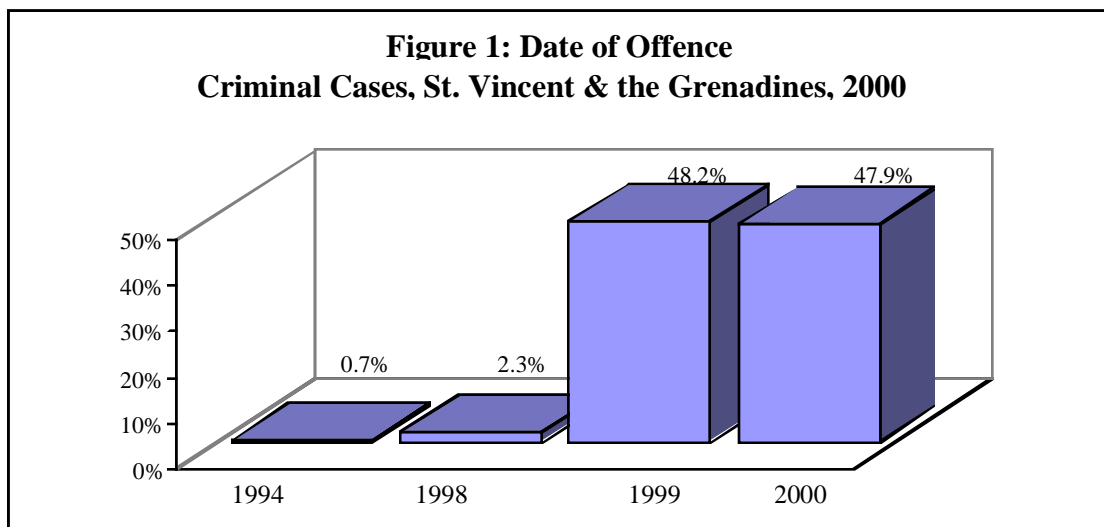
Only one warrant was issued in St. Lucia’s civil cases. It was also served.

ANNEX F – ST. VINCENT AND THE GRENADINES

CRIMINAL CASES

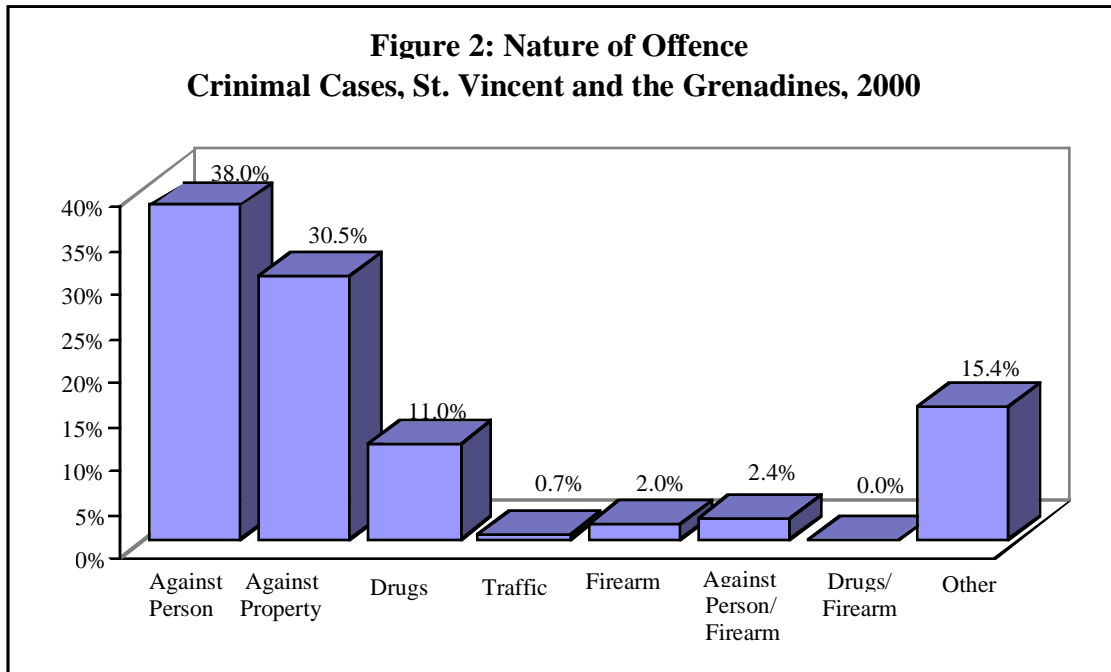
GENERAL INFORMATION

A total of 6,750 criminal cases in the sample data were from St. Vincent and the Grenadines. Although the date of offence for the criminal cases ranged from the years 1988 to 2000, over in 96 percent of the cases, the offence occurred in either 2000 or 1999. (Figure 1).



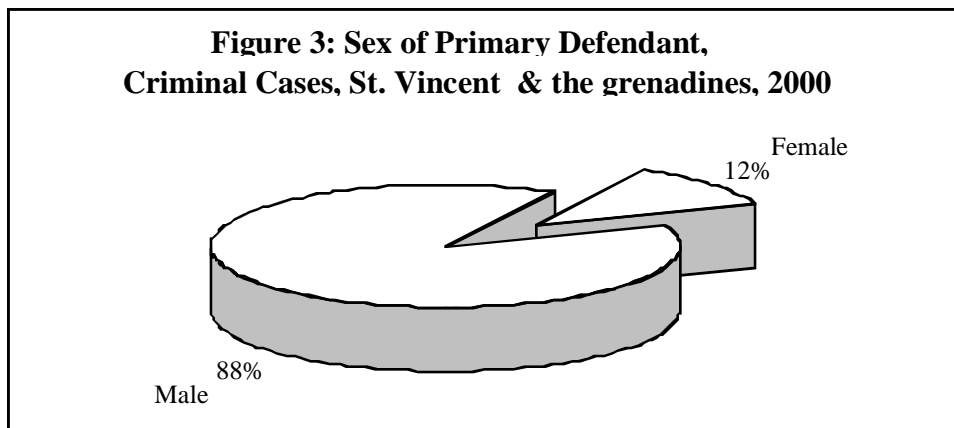
NATURE OF OFFENCE

Criminal case files in the sample data for St. Vincent and the Grenadines were also examined by nature of offence. Figure 2 shows the distribution of criminal cases by nature of offence. The majority of cases were against person (38%), against property (31%), or were drug related (11%). The remaining cases were traffic related (1%), firearm-related (2%) or were against person and involving firearms (2%). In 15% of the criminal cases in St. Vincent and the Grenadines, the nature of the offence was identified as other than those shown in Figure 2.



DEFENDANT DETAILS

In the vast majority of cases (88%) the first defendant was a male and in the 349 cases reporting a second defendant, this person was also male in the majority of cases (82%). In only a small percentage of cases was the first defendant a juvenile (1%) and likewise in the cases with a second defendant, only 2% were juveniles (Figure 3).

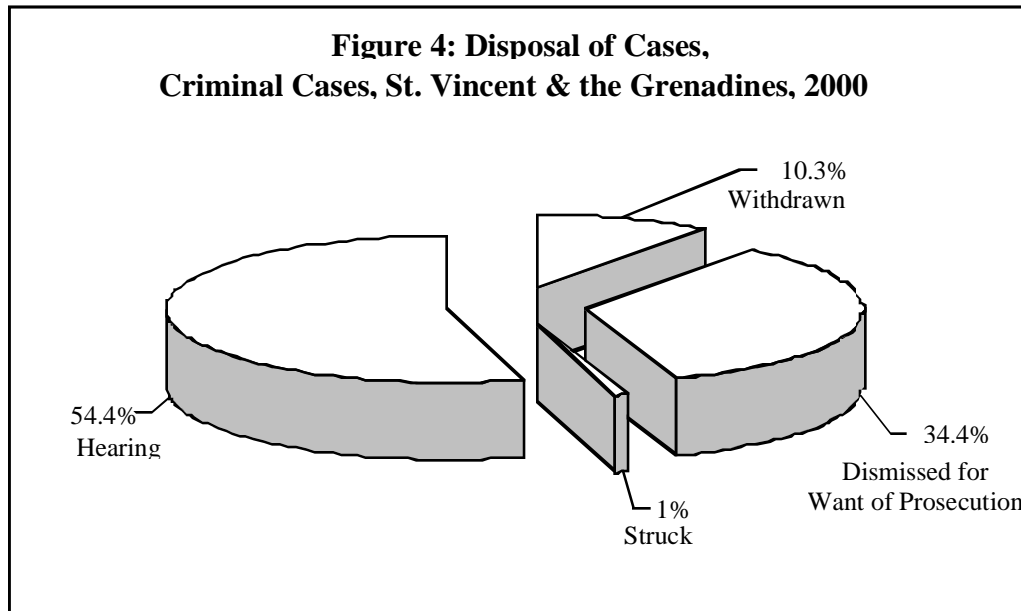


ACT

The Criminal Code was the relevant Act for a large portion of the cases reported on. The CAP, CH 124 and the Drug Prevention Act were also represented.

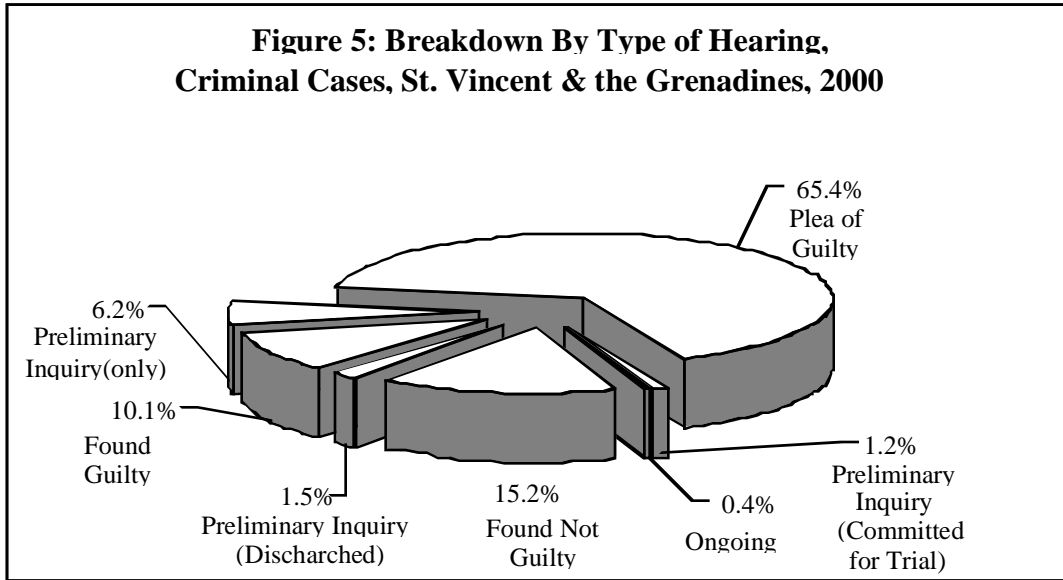
DISPOSAL DETAILS

We also examined the criminal case sample for St. Vincent and the Grenadines with respect to the disposal of cases (Figure 4). The majority of criminal cases were disposed of through a hearing (54%) or were dismissed for want of prosecution (34%). The remaining criminal cases in the sample data were either withdrawn (10%) or were struck (1%).



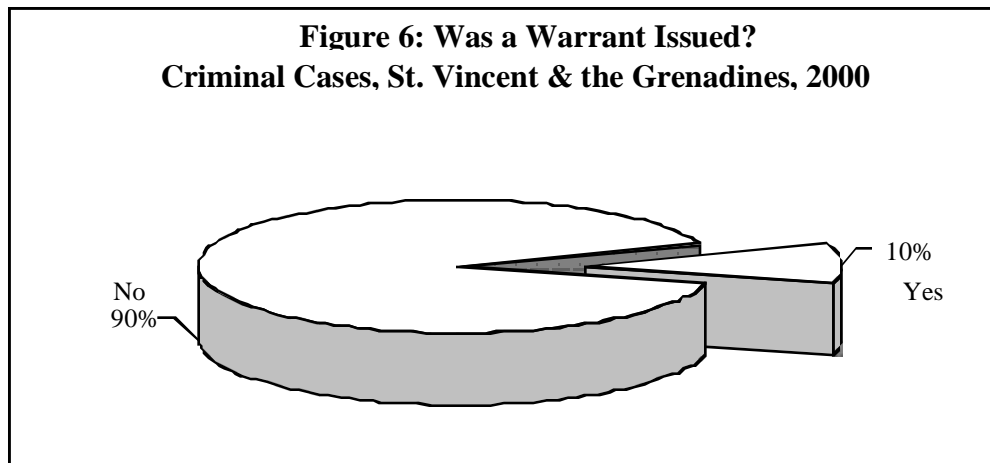
HEARING DETAILS

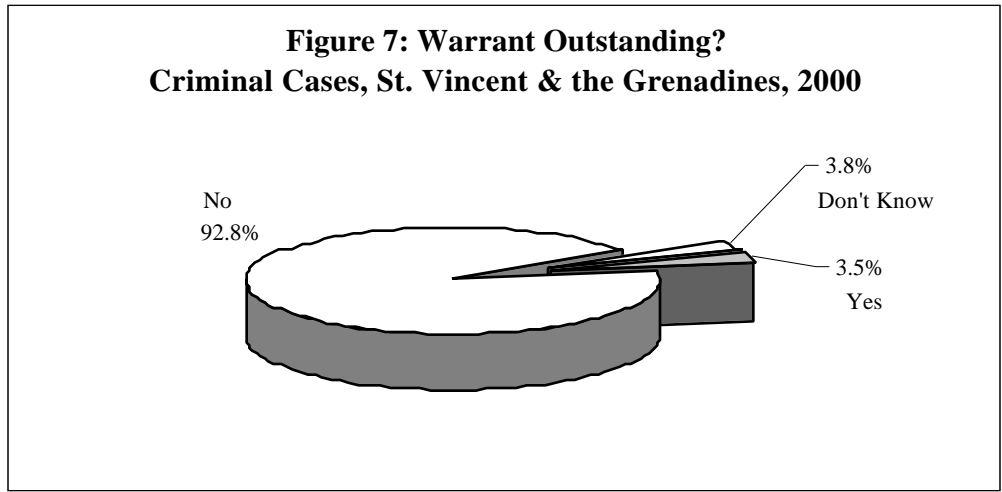
Criminal cases in St. Vincent which were disposed of through a hearing were also examined in detail (Figure 5). A total of 3,864 criminal cases were disposed of through hearings. In the majority of these cases, the defendant(s) either plead guilty (65%) or was (were) found guilty (10%). In the remainder of cases, the defendant(s) was (were) found not guilty (15%), there was a preliminary inquiry only (6%), or the cases were ongoing (0.4%). In only 1.2% of criminal cases was there a preliminary inquiry that was committed for trial.



WARRANTS

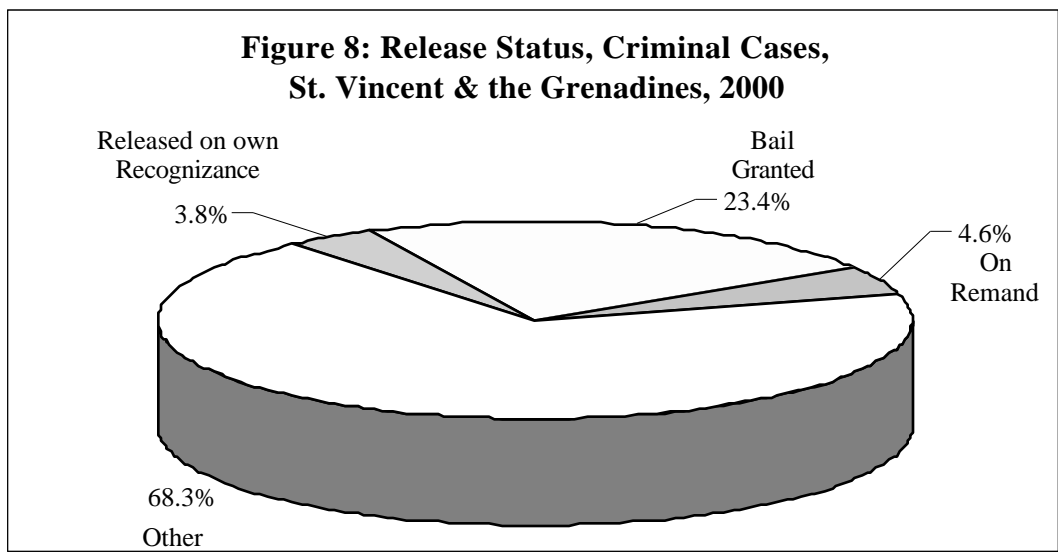
In 10% of the criminal cases (624 cases) in St. Vincent, warrants were issued (Figure 6). Of these warrants, 93% were known to have been served, 3.6% were outstanding and 3.7% had unknown status (Figure 7).





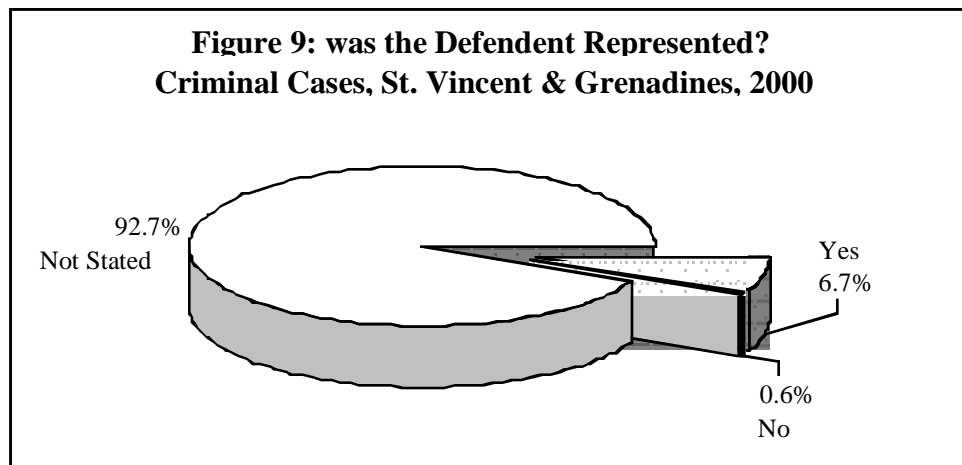
RELEASE STATUS

In 92 percent of the criminal cases in the St. Vincent sample (6,247 cases), release information was reported. Of these, 23% were on bail, 5% were released on remand and 4% were released on their own recognizance (Figure 8). What is notable, however, is that the majority of cases reporting release information cited reasons other than these for the release (68%).



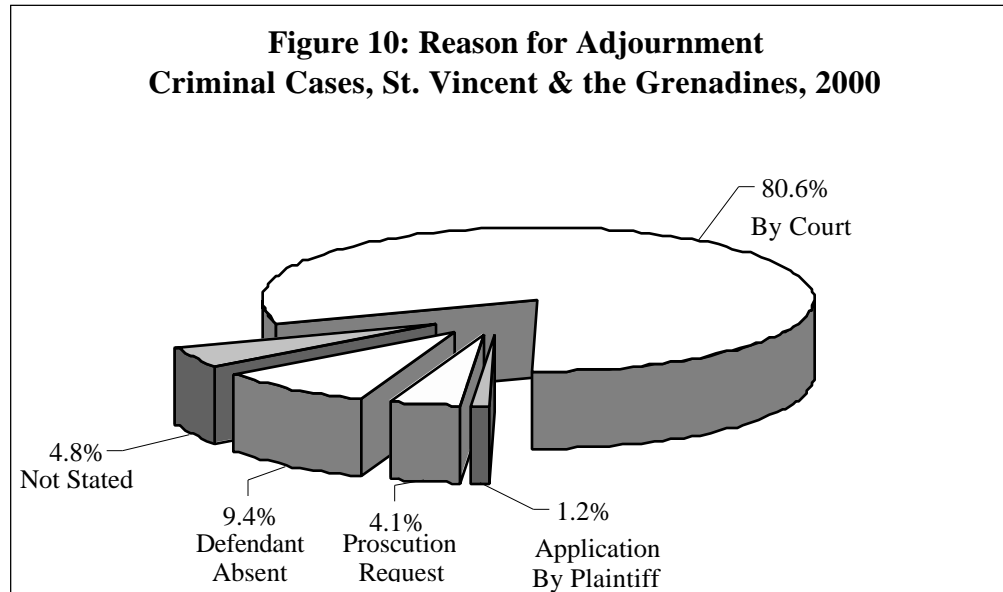
REPRESENTATION

One notable result of the analysis of St. Vincent criminal case files in the sample was the high proportion of cases where it was not known if the defendant in question was represented by legal council (Figure 9). In only 7% of the cases was it positively known that the defendant was represented. In 0.6% of cases the defendant was not represented. However, in an overwhelming majority of cases (93%), it was not known if defendant was represented.



ADJOURNMENTS

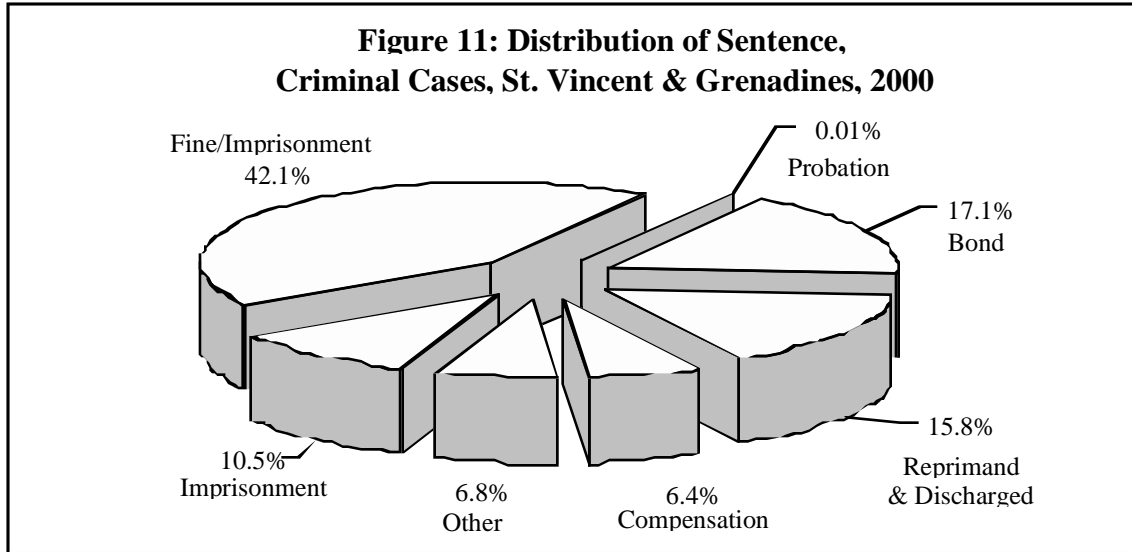
The criminal cases in the sample were also analyzed with respect to adjournments. Based on the sample data, St. Vincent and the Grenadines have one of the lowest rate of adjournments per case among the OECS countries with an average of 0.99 adjournments per criminal case (with a maximum of 25 adjournments in one particular case).



In the majority cases which cite at least one adjournment, the court is cited overwhelmingly as the primary reason for adjournment (81%). In the remaining criminal cases, adjournments occurred due to defendant being absent (9%), prosecution request (4%), or application by the plaintiff (1.2%). In roughly 5% of cases the reason for adjournment is not cited (Figure 10).

SENTENCING

In the overall sample of criminal cases from St. Vincent, the majority of criminal cases (42%) resulted in a combined sentence of fine and imprisonment with an average fine of 353\$ EC and an average length of imprisonment of 2.16 months. The second most common sentence in St. Vincent was that of a bond (which occurred in 17% of the criminal sentences) of with an average length of sentence of 1.82 months and an average amount of 137\$ EC. Sentencing of reprimands and discharge was awarded in 16% of criminal cases, imprisonment only was awarded in 10.5% of the criminal cases with an average imprisonment of 1 month, and compensation was awarded in 6% of the cases. In 7% of cases, sentences were given other than those cited above.



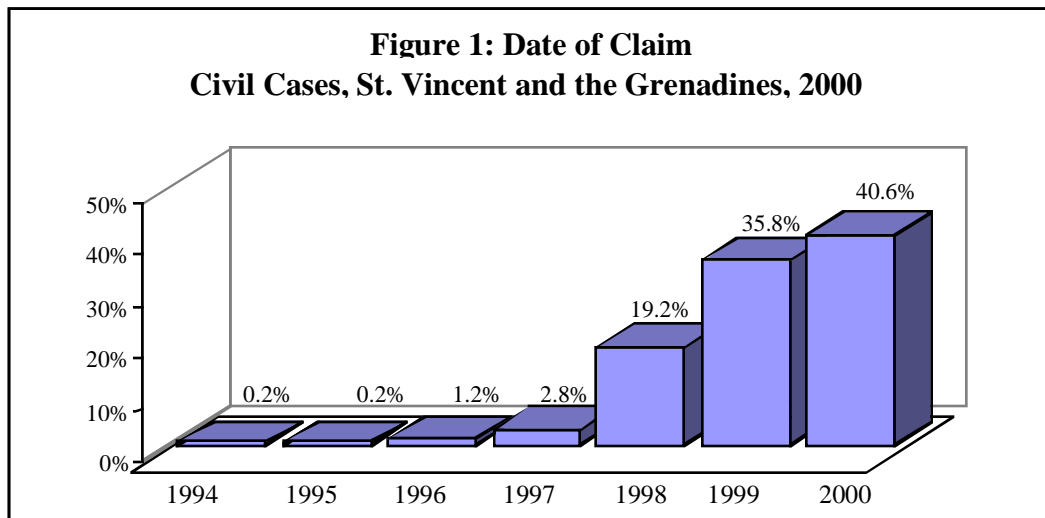
APPEALS

No appeals were reported on in St. Vincent and the Grenadines.

CIVIL CASES

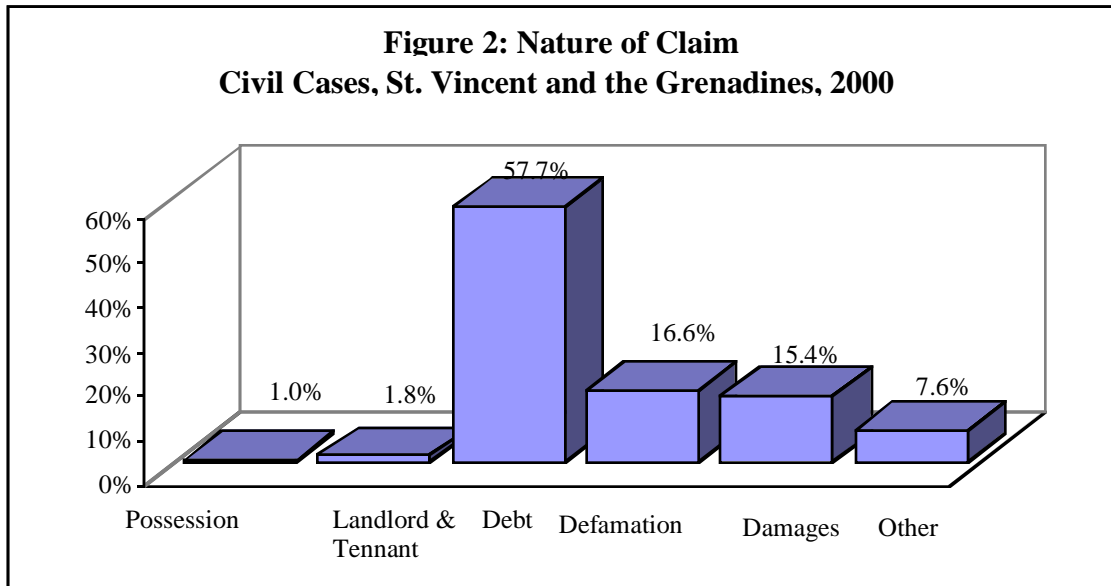
GENERAL INFORMATION

A total of 514 of the sample civil cases were from St. Vincent and the Grenadines. The date of claim for the civil case sample data for St. Vincent and the Grenadines ranges from 1994 to 2000, but the vast majority were from 1998 onwards. A total of 212 of cases were completed in 1999 and 290 in 2000 (Figure 1).



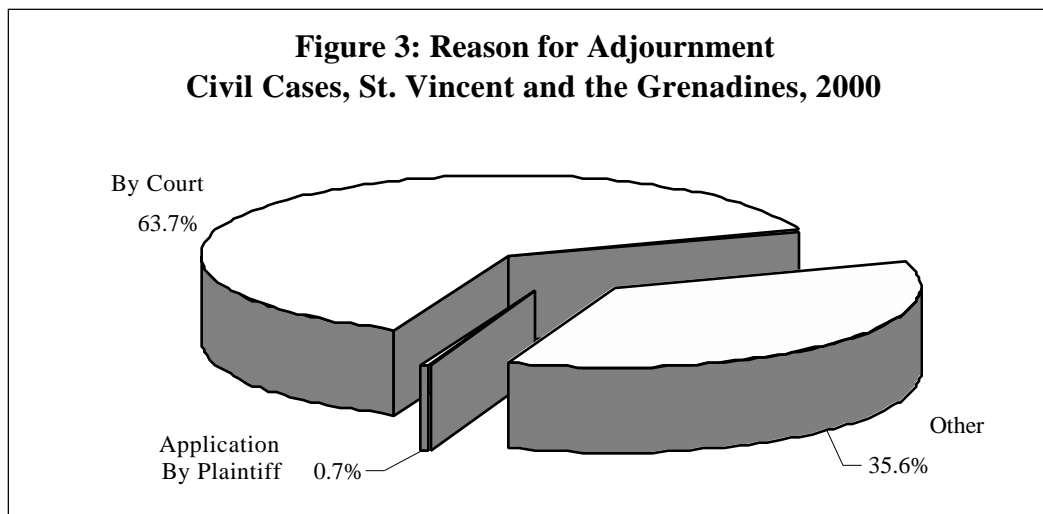
NATURE OF OFFENCE

Analysis of the sample civil case files for St. Vincent showed that the majority of civil cases were debt-related (58%). Other civil cases include cases related to defamation (85 cases or 17%) or damages (79 cases or 15%). A very small percentage of civil cases are landlord/tenant-related or possession-related. Other civil cases not characterized by the categories cited in Figure 2 accounted for 7% of civil cases in this country.



ADJOURNMENTS

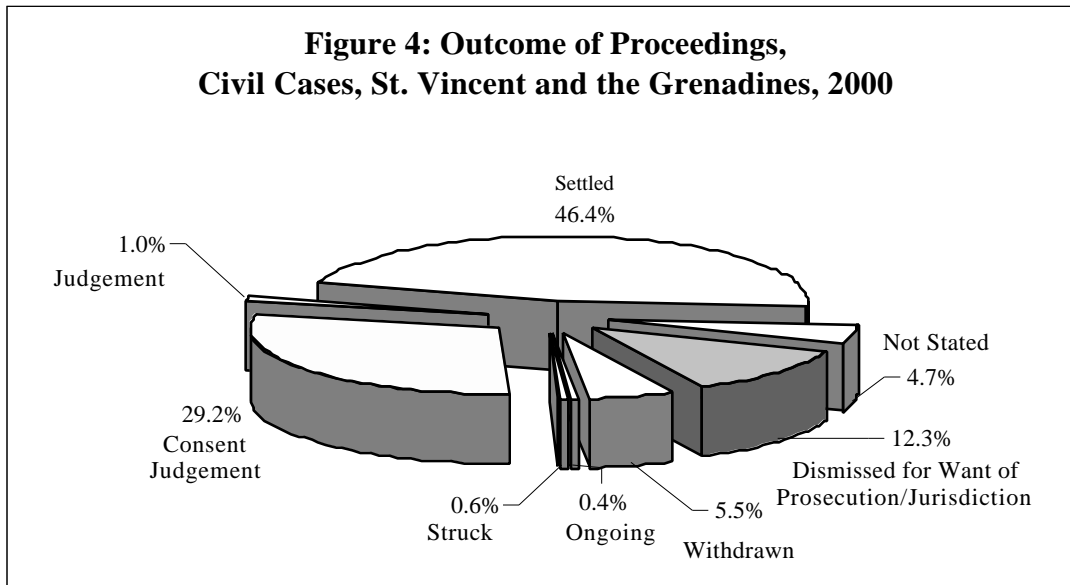
Based on the analysis of the civil cases in the sample data for St. Vincent, civil cases have an average of 2.14 adjournments per case. The primary reason cited for adjournments of civil cases is application by court (64%). Applications by plaintiffs account for only 1 adjournment (Figure 3). None of these adjournments are as a result of an application from the defense. The maximum number of adjournments for one case was 14.



OUTCOME OF PROCEEDINGSS

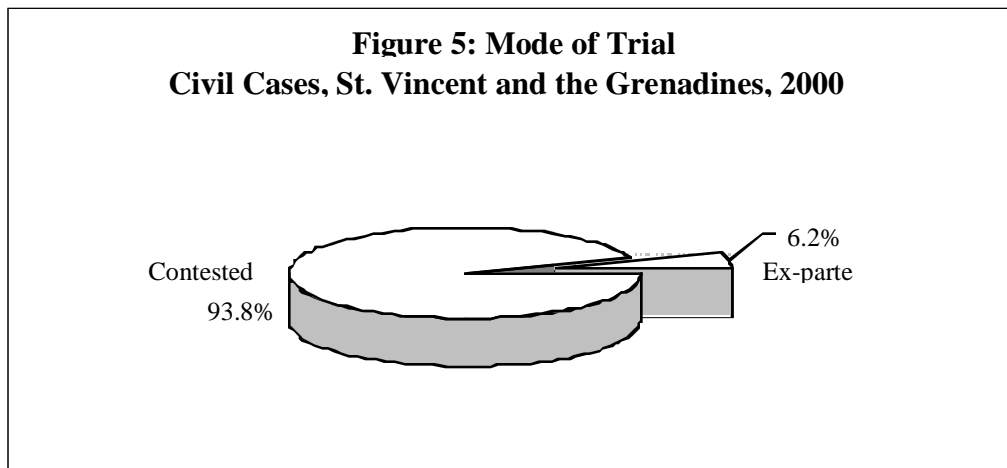
Analysis of the civil cases in the sample data from St. Vincent showed that 46% of cases were settled, 29% of cases resulted in a consent judgement, 12% were dismissed for want of prosecution and 6% were withdrawn (Figure 4). A total of 5 cases were completed

with a consent judgement, 3 were abandoned and 2 were still ongoing at the end of survey. Both of the ongoing cases were in the course of settlement.



MODE OF TRIAL

Analysis of the civil cases in the sample data from St. Vincent showed that 94% of the case trials are contested and the remaining 6% are ex-parte (Figure 5).



WARRANTS

There were no reported warrants issued for these civil cases in St. Vincent and the Grenadines.