

## THE CRIMINAL JUSTICE (REFORM) ACT

RULES  
(under section 20)

## THE CRIMINAL JUSTICE (REFORM) RULES, 2001

(Made by the Minister on the 22nd day of October, 2001)

L N 150A/2001

1. These Rules may be cited as the Criminal Justice (Reform) Rules, 2001.

2. In these Rules—

“approved mediation centre” means a mediation centre included on a list of centres approved by the Minister;

“relevant authorized officer” means the authorized officer assigned to the offender’s case or, if no such assignment is made, the authorized officer appointed or assigned to the area in which the offender resides.

3.—(1) Before making any order under the Act in respect of an offender, the Court shall require an authorized officer to prepare and submit to the Court, a social enquiry report on the offender.

(2) For the purposes of paragraph (1), a social enquiry report shall include the following information:

- (a) data sufficient to identify the offender;
- (b) the offender’s criminal record;
- (c) the circumstances of the offence for which the offender is before the court;
- (d) the offender’s home, school and employment background;
- (e) the offender’s family and community background and leisure activities;
- (f) a history of the offender’s physical and mental conditions, if relevant;
- (g) the offender’s attitude toward employment or authority;
- (h) the offender’s attitude toward the offence;
- (i) an assessment of the case;

- (j) the offender's attitudes and response to previous forms of treatment and convictions;
- (k) a recommendation as to the most appropriate form of treatment of the offender.

4. A copy of any order made under section 4, 5, 6, 9, 10, 12, 13, 15 or 16 of the Act in respect of an offender shall be delivered forthwith to—

- (a) the offender or his attorney-at-law;
- (b) the relevant authorized officer;
- (c) where the order is for attendance at a day training centre, to the relevant day training centre, along with a referral notice in accordance with Form 1(1) of the Schedule;
- (d) where the order is for mediation, an approved mediation centre.

Schedule  
Form 1(1)

5.—(1) This rule applies to an order for the payment of a fine by instalments, made under section 4 of the Act.

(2) Before making an order, the Court shall direct the relevant authorized officer to enquire into the economic and social circumstances of the offender in order to ascertain the offender's ability to pay the instalments and the most suitable payment period therefor.

(3) The Accountant for the Court shall keep a record of all payments into Court made in relation to the order.

6.—(1) This rule applies to an attendance order made under section 12 of the Act.

(2) The order shall be in accordance with Form 2 of the Schedule.

(3) Upon receipt of a copy of an order delivered pursuant to rule 4(c), the day training centre shall ensure that satisfactory arrangements are in place for—

- (a) receiving the offender; and
- (b) ascertaining whether the offender attends at the centre in accordance with the terms of the order, and for that purpose shall keep a register of the offender's attendance at the centre.

(4) Where the offender fails—

- (a) to attend at the day training centre in accordance with the terms of the order; or

Form 2

- (b) while attending at the centre, to comply with the instructions given by, or under the authority of, the person in charge of the centre, the person in charge of the centre shall forthwith make a report of such failure to the relevant authorized officer, a justice of the peace or the Court, in accordance with rule 12.

7.—(1) This rule applies to supervision orders made under the Act.

(2) Where an order is made under section 15 of the Act, the provisions of section 9(5) of the Act (fine for non-compliance) shall apply to such order.

(3) Upon receipt of a copy of an order delivered pursuant to rule 4 (c), the relevant authorized officer shall make arrangements to meet with the offender, not later than five days from the date of the order, at such time and place as shall be appointed by the authorized officer, and thereafter at least once every seven days.

(4) The relevant authorized officer shall—

- (a) arrange with the offender to visit the offender at the offender's place of residence at least once in every three months;
- (b) prepare a written case review in respect of the offender at least once in every six months, and may conduct such other review as such officer thinks appropriate; and
- (c) at the end of the supervision period, submit a written report to the Court in accordance with Form 3 of the Schedule.

Form 3

8.—(1) This rule applies to a community service order made under section 10 of the Act.

(2) Upon receipt of an order delivered pursuant to rule 4(c), the relevant authorized officer shall ensure that—

- (a) arrangements are made for the performance of unpaid work by the offender in accordance with the terms of the order;
- (b) those arrangements are communicated to the offender;
- (c) those arrangements provide for the offender to be assigned to a place of work within seven days of the receipt of the order; and
- (d) where arrangements are made by that officer with a third party for the performance of work by the offender under the supervision of the third party, the officer shall give notice to the third party in accordance with Form 1(2) of the Schedule, together with a copy of the order, at least seven days prior to the

Form 1(2)

start of such work by the offender.

(3) In making arrangements pursuant to paragraph (2), the authorized officer shall take into account—

- (a) the suitability of the offender to perform the work;
- (b) the area in which the offender resides;
- (c) the level of risk posed by the offender; and
- (d) the needs of the offender, including his religious beliefs, and the times, if any, at which the offender normally works or attends a school or other educational establishment.

(4) In performing unpaid work pursuant to the order, the offender shall comply with all reasonable directions of the person in charge of the supervision of the work, as to—

- (a) the manner in which the work is to be performed; and
- (b) the rules to be observed in the interest of the health, well-being or safety of workers or of other persons present.

(5) Where an offender fails to report for work or to comply with a reasonable direction referred to in paragraph (4), the work supervisor shall make a report in accordance with procedure set out in rule 12.

(6) For the purposes of section 10(2) of the Act, the matters that the Court may take into account in order to satisfy itself as to the suitability of the offender to perform work under a community service order include whether or not the offender—

- (a) has a fixed address;
- (b) has satisfactory interpersonal skills;
- (c) is available for work;
- (d) is likely to pose a threat to the public or to any member of the public, or to commit an offence while performing work under the order.

(7) The order shall be in accordance with Form 4 of the Schedule.

Form 4.

9.—(1) In determining a place to be specified in a curfew order under section 13 of the Act, as a place where the offender is required to remain for a specified period, the Court shall take into account—

- (a) the overall suitability of the place for the purposes of a curfew order in respect of the offender; and

(b) the likely impact of the order on other persons residing at that place.

(2) A curfew order shall be in accordance with Form 5 of the Schedule. Form 5

10.—(1) A mediation order made under section 16 of the Act shall be in accordance with Form 6 of the Schedule, and the provisions of this rule shall apply to mediation proceedings pursuant to mediation orders. Form 6

(2) No person shall be assigned to a case as a mediator unless—

(a) that person—

(i) has undergone at least forty hours of basic training in mediation at an approved mediation centre;

(ii) has observed at least two mediation sessions; and

(b) a justice of the peace, member of the Constabulary Force not below the rank of Sergeant, minister of religion, or principal of an educational institution other than a pre-primary school, attest to the person's good character by completing a declaration in accordance with Form 7 of the Schedule. Form 7

(3) A register of mediators who meet the criteria set out in paragraph (1) shall be kept by every mediation centre, in respect of the mediators attached to that centre, and the inclusion of the name of a mediator in the register shall be subject to the approval of the Chief Justice.

(4) Upon the receipt of a mediation order delivered pursuant to rule 4(d), the approved mediation centre shall—

(a) assign the matter to an approved mediator;

(b) ensure that the necessary arrangements are in place to facilitate mediation in accordance with the terms of the mediation order; and

(c) appoint times for the occurrence of mediation sessions, after consultation with the parties expected to participate in the mediation, and notify the parties of the times so appointed.

(5) A person shall not act as a mediator in any matter in which he has a personal interest or a conflict of interests.

(6) The following persons shall be entitled to attend mediation proceedings—

(a) the parties involved and their attorneys-at-law;

- (b) where a party to the mediation is a company, any person duly authorized to represent the company in the mediation proceedings; and
- (c) any person authorized to attend by the mediator.

(7) The mediator may determine the manner in which the mediation proceedings are conducted and shall ensure that such proceedings are conducted in a manner that facilitates the sharing of relevant information by the parties.

(8) Where there is a delay in conducting mediation proceedings such that the mediator is of the view that the proceedings are unlikely to be completed within the time specified in the mediation order as the time within which the mediation shall be concluded, the mediator may apply in writing to the Court for an extension of that time, and the Court may grant the application if it thinks it reasonable to do so.

(9) It shall be the responsibility of the mediator, where an agreement is reached between the parties in mediation proceedings, to prepare a mediation agreement incorporating the material terms of the agreement, and for that purpose the mediator may obtain such legal, technical or other assistance as the mediator may require in the preparation of the agreement.

(10) A mediation agreement prepared pursuant to paragraph (9) shall be—

- (a) signed by all the parties thereto; and
- (b) submitted to the Court along with the mediation report,

and a copy of the agreement shall be—

- (i) given to each party to the mediation upon the signing thereof;
- (ii) retained by the mediation centre.

(11) A party shall not be bound by any statement made or agreement arrived at in mediation proceedings unless the statement or agreement is contained in a mediation agreement prepared pursuant to paragraph (9) and signed by that party.

11.—(1) An order under section 19 of the Act for a sentence to be served in incremental periods shall prohibit the offender from travelling outside of Jamaica without the permission of the Court.

(2) Where an offender is ordered to serve a sentence in incremental periods, the relevant authorized officer shall ensure that arrangements are made with the offender for the offender to contact or report to the authorized

officer at least once in every fifteen days.

12.—(1) A person required to make a report under rule 6 (2) or 8 (5) shall do so by—

- (a) submitting a written report to the relevant authorized officer; or
- (b) completing an information in accordance with Form 8 of the Schedule and submitting it to a justice of the peace or the Court.

(2) Where it comes to the attention to an authorized officer that an offender has committed a breach of any order made under section 4, 5, 6, 9, 10, 12, 13, 15 or 16 of the Act, the authorized officer shall forthwith complete an information in accordance with Form 8 of the Schedule and submit it to a justice of the peace or the Court.

## SCHEDULE

## FORM 1

(Rule 4)

## NOTICES OF REFERRAL

*(1) Notice of referral to a day training centre*

To:

Notice is hereby given that \_\_\_\_\_ of \_\_\_\_\_

is required to attend at: \_\_\_\_\_  
(name of day training centre)during the period: \_\_\_\_\_  
(state time and frequency of attendance)

pursuant to the attached order.

You are required to keep a register of the abovenamed offender's attendance and to notify the Court, a justice of the peace, or the relevant authorized officer, of any failure of the offender to attend in accordance with the order or to comply with the instructions given by, or under the authority of, the person in charge of the centre.

Signed: \_\_\_\_\_  
Registrar/Clerk of Courts*(2) Notice of referral to a place of work*

To:

Notice is hereby given that \_\_\_\_\_ of \_\_\_\_\_

is required to perform unpaid work at \_\_\_\_\_ during  
(state place of work)the period \_\_\_\_\_, pursuant to the attached  
(state time and frequency of attendance)

order.

You are required to notify the Court or the authorized officer whose name appears below, of any failure of the abovenamed offender to report for work at the times specified in this notice or failure to comply with any reasonable directions given by you, or any person authorized by you, in relation to the performance of work by the offender.

Signed: \_\_\_\_\_  
Name of Authorized Officer



FORM 2

(Rule 6)

## ATTENDANCE ORDER

In: \_\_\_\_\_  
*(name and division of Court)*

For the parish of/held at: \_\_\_\_\_

Before: \_\_\_\_\_  
*(name of Judge)*

In the matter of: R. v. \_\_\_\_\_

For the offence of: \_\_\_\_\_

Name of offender: \_\_\_\_\_

UPON the offender having been convicted/pleaded guilty to the said offence, punishable with imprisonment, and having attained the age of seventeen years,

PURSUANT to the provisions of the Criminal Justice (Reform) Act, instead of sentencing the offender to imprisonment, the Court, having been satisfied—

- (a) after considering a report by a probation officer in respect of the offender and his circumstances, that the offender is a suitable person to attend a day training center under an attendance order,
- (b) that a day training center exists and is appropriate for the attendance of the offender and arrangements can be made for his attendance at that centre; and
- (c) that the offender consents to the making of this order,

HEREBY ORDERS that—

1. The offender attend at \_\_\_\_\_  
*(name of day training centre)*

for such periods and at such times as are specified in paragraph 2 hereof.

2. Total number of hours for attendance: \_\_\_\_\_

Period: \_\_\_\_\_

Times: \_\_\_\_\_

3. The offender shall comply with—

- (a) the instructions of his probation officer as to his attendance pursuant to this order; and
- (b) instructions given by or under the authority of the person in charge of the centre, while attending at the centre.

BY ORDER OF THE COURT

This                      day of                      , 200 .

\_\_\_\_\_  
 Registrar/Clerk of Courts

FORM 2, contd.

I, \_\_\_\_\_, consent to the making of this order and I am aware that if I fail to comply with any of the requirements of this order—

- (a) a warrant may be issued for my arrest or a summons issued requiring me to appear before the Court;
- (b) this order may be revoked; and
- (c) I may be sentenced to imprisonment or dealt with in any other manner in which I could have been dealt with for the offence if this order had not been made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

At

\_\_\_\_\_  
*Signature of offender*

FORM 3

(Rule 7)

SUPERVISION REPORT

1. *Particulars of offender*

Name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Offence: \_\_\_\_\_

Previous offences: \_\_\_\_\_

Type of order: \_\_\_\_\_

*(state whether supervision, combination supervision and community service or combination supervision and curfew order)*

Period of order: \_\_\_\_\_

Special needs or conditions/risk factors: \_\_\_\_\_

2. *Overview of case*

3. *Treatment Plan/Goals*

4. *Level of supervision/frequency of reporting*

FORM 3, *contd*

5 *Assessment of response to supervision*

- Compliance
- Attitudes and receptivity to supervision
- Progress to date

FORM 4

(Rule 8)

COMMUNITY SERVICE ORDER

In \_\_\_\_\_  
(name and division of Court)

For the parish of/held at \_\_\_\_\_

Before \_\_\_\_\_  
(name of Judge)

In the matter of R v \_\_\_\_\_

For the offence of \_\_\_\_\_

Name of offender \_\_\_\_\_

UPON the offender having been convicted/pleaded guilty to the said offence, punishable with imprisonment, and having attained the age of seventeen years.

PURSUANT to the provisions of the Criminal Justice (Reform) Act, instead of sentencing the offender to imprisonment, the Court, having been satisfied—

- (a) that for the duration of this order the offender resides or will reside at the following address \_\_\_\_\_
- (b) that arrangements can be made in the area in which the offender resides, or will reside, for him to perform work under a community service order and for the proper supervision of that work.
- (c) after considering a report by a probation officer in respect of the offender and his circumstances, that the offender is a suitable person to perform work under a community service order.

HEREBY ORDERS that—

- 1 The offender perform \_\_\_\_\_ hours of unpaid work in accordance with the directions given to him by his probation officer
- 2 In performing unpaid work under this order, the offender shall comply with the directions given to him by—
  - (a) his probation officer;
  - (b) any person in charge of supervising the work at the place where the offender is required to perform unpaid work

SL-4

FORM 4, *contd*

- 3 The offender shall inform his probation officer of any change in his address
- \*4. The offender shall be under the supervision of an authorized officer for the following period: \_\_\_\_\_
- \*5 During the period specified in paragraph 4, the offender shall—
- (a) keep in touch with the authorized officer in accordance with such instructions as may from time to time be given to him by that officer; and
  - (b) notify the authorized officer of any change of the offender's place of residence.

BY ORDER OF THE COURT.

This            day of            , 200

\_\_\_\_\_  
Registrar/Clerk of Courts

I, \_\_\_\_\_, consent to the making of this order and I am aware that if I fail to comply with any of the requirements of this order—

- (a) a warrant may be issued for my arrest or a summons issued requiring me to appear before the Court,
- (b) this order may be revoked; and
- (c) I may be sentenced to imprisonment or dealt with in any other manner in which I could have been dealt with for the offence if this order had not been made.

Dated this            day of            , 200

At

\_\_\_\_\_  
Signature of offender

\*To be included where a combination community service and supervision order is made pursuant to section 15 of the Act.

FORM 5

(Rule 9)

CURFEW ORDER

In. \_\_\_\_\_  
(name and division of Court)

For the parish of/held at: \_\_\_\_\_

FORM 5, *contd*

Before \_\_\_\_\_  
*(name of Judge)*

In the matter of R v \_\_\_\_\_

For the offence of \_\_\_\_\_

Name of offender \_\_\_\_\_

UPON the offender having been convicted/pleaded guilty to the said offence, punishable with imprisonment, and having attained the age of seventeen years,

PURSUANT to the provisions of the Criminal Justice (Reform) Act, instead of sentencing the offender to imprisonment, the Court

HEREBY ORDERS that—

1 The offender remain at the location specified in column 1 of paragraph 2 for the period specified in relation thereto in column 2 of that paragraph

2	Column 1	Column 2
	<i>location</i>	<i>period</i>

(a)

(b)

(c)

3 During the periods specified in paragraph 2, the offender shall be monitored as follows

\*4 The offender shall be under the supervision of an authorized officer for the following period

\*5 During the period specified in paragraph 4, the offender shall—

(a) keep in touch with the authorized officer in accordance with such instructions as may from time to time be given to him by that officer; and

(b) notify the authorized officer of any change of the offender's place of residence

BY ORDER OF THE COURT

This day of \_\_\_\_\_, 200

\_\_\_\_\_  
 Registrar Clerk of Courts

I, \_\_\_\_\_, consent to the making of this order and I am aware that if I fail to comply with any of the requirements of this order—

(a) a warrant may be issued for my arrest or a summons issued requiring me to appear before the Court,

(b) this order may be revoked, and

(c) I may be sentenced to imprisonment or dealt with in any other manner in which I could have been dealt with for the offence if this order had not been made

FORM 5, *contd.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200 .

At \_\_\_\_\_

\_\_\_\_\_  
*Signature of offender*

\*To be included where a combination curfew and supervision order is made pursuant to section 15 of the Act.

## FORM 6

(Rule 10)

## MEDIATION ORDER

In: \_\_\_\_\_  
(name and division of Court)

For the parish of/held at: \_\_\_\_\_

Before: \_\_\_\_\_  
(name of Judge)

In the matter of: R.v. \_\_\_\_\_

For the offence of: \_\_\_\_\_

Name of offender: \_\_\_\_\_

UPON the offender having been convicted/pleaded guilty to the said offence, punishable with imprisonment, and having attained the age of seventeen years,

PURSUANT to the provisions of the Criminal Justice (Reform) Act, instead of sentencing the offender to imprisonment, the Court, having been satisfied that, having regard to all the circumstances, this matter is suitable to be dealt with by mediation,

HEREBY ORDERS that—

1. The matter of R.v. \_\_\_\_\_  
be referred to an approved mediator at \_\_\_\_\_  
(name of mediation centre)

2. Mediation in the said matter shall be concluded within \_\_\_\_\_ days from the date of this order.

3. The approved mediator shall submit a mediation report to this Court, within \_\_\_\_\_ days of the date specified in paragraph 2 for the conclusion of the mediation, setting out the following information:

(a) whether or not the mediation took place;

(b) whether any agreement was reached; and

FORM 6, *contd.*

(c) the terms of any such agreement.

4. A copy of every agreement referred to in paragraph 3 shall be annexed to the mediator's report.

5. The mediator and the parties in the matter shall appear before the Court on the day of \_\_\_\_\_, 200\_\_\_\_, for the Court to make an order determining the matter.

BY ORDER OF THE COURT.

This \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Registrar/Clerk of Courts

The following parties hereby indicate consent to the making of the order, agreeing to be bound by the terms of any mediation agreement entered into by them, and being aware that if the matter—

(a) is not resolved by mediation, the Court may proceed to try the matter; or

(b) is resolved by mediation, the charge against the person charged will be dismissed:

Name	Signature
_____	_____
_____	_____
_____	_____

FORM 7

(Rule 10)

DECLARATION BY JUSTICE OF THE PEACE, MEMBER OF THE  
JAMAICA CONSTABULARY FORCE, MINISTER OF RELIGION OR  
PRINCIPAL OF AN EDUCATIONAL INSTITUTION

I \_\_\_\_\_  
of \_\_\_\_\_

hereby declare that:

- I am a justice of the peace/member of the Jamaica Constabulary Force/minister of religion/principal of an educational institution other than pre-primary school.
- \_\_\_\_\_ proposes to act as a mediator for the purposes of section 16 of the  
(name of mediator)

FORM 7, contd.

Criminal Justice (Reform) Act.

3. I have been acquainted with the said \_\_\_\_\_  
for \_\_\_\_\_ years.

4. I regard him/her as a person of good character who is likely to discharge responsibly his/her duties as a mediator.

Signed \_\_\_\_\_

At

This            day of            200 .

FORM 8

(Rule 12)

REPORT OF BREACH BY OFFENDER

Information

Parish of: \_\_\_\_\_

The information and complaint of \_\_\_\_\_  
(name)

\_\_\_\_\_ of the parish  
(occupation)

of \_\_\_\_\_ made and taken upon oath before the undersigned this        day  
of \_\_\_\_\_, 200        who saith that on the        day of       , 200        one

\_\_\_\_\_ of the parish of \_\_\_\_\_,  
(name of offender)

who was made the subject of a \_\_\_\_\_  
(state type of order)

is being referred back to the Court for breach of the said order, pursuant to section 11 of the Criminal Justice (Reform) Act.

The breach complained of is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and thereupon the said Complainant prays that the said \_\_\_\_\_  
be summoned to answer unto the said Complainant according to law.



FORM 8, *contd.*

Taken and sworn to before me at  
in the parish of  
this            day of            , 200 .

*J* \_\_\_\_\_  
Justice of the Peace/Registrar,  
Clerk of the Courts:  
For the parish of