



## **PRACTICE DIRECTION No. 5E OF 2020**

### **CAYMAN JUDICIAL ADMINISTRATION CASE MANAGEMENT SYSTEM (JEMS)**

#### **CRIMINAL REGISTRY**

#### **ELECTRONIC FILING OF CHARGES REPORTS**

#### **FROM THE ROYAL CAYMAN ISLANDS POLICE SERVICES (RCIPS)**

##### **OBJECTIVE:**

To deliver documents for the Grand Court and Summary Court (Criminal) electronically in a way that makes them quickly accessible to judiciary.

JEMS is the Judicial Administration's Electronic Management System; it allows for electronic filing and viewing of documents stored in the system to authorised users.

##### **BENEFITS:**

- To provide electronic documents to the judiciary in advance of hearing.
- To allow image to be viewed conveniently on JEMS by those with authorised access only.
- To ensure charges are received before the bail dates.
- To allow electronic signature by Justice of the Peace

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## **1. AUTHORITY**

Electronic filing of court documents is conducted by lodging documents with the Criminal Registry of Judicial Administration in accordance with Standards and Principles established by the Court Administrator with the approval of the Chief Justice.

## **2. EFFECTIVE DATE**

The Electronic filing of the documents described below is effective from the May 21, 2020 until further order.

## **3. ELECTRONIC FILING DOCUMENT TYPES**

- A. The Court Administrator hereby authorizes the filing electronically of the documents described in B below. From time to time, additional documents may be authorised to be processed in this way.
- B. The following documents may be filed electronically:-
1. Charges/indictments etc
  2. Summons
  3. Tickets
  4. Bail Bonds
  5. Summary of Facts
  6. Summonses
  7. Breach of bail report
  8. Executed warrant
  9. Summons to Medical Practitioner (Coroner)
  10. Other documents, as required.

that relate to:-

- (a) Grand Court (criminal)
- (b) Summary Court (Criminal)
- (c) Coroners Court
- (d) Drug Rehabilitation Court
- (e) Mental Health Court
- (f) Special Domestic Violence Court
- (g) Youth Court

## **4. DEFINITIONS**

The following terms are defined as follows:-

- A. Conventional manner of filing - The filing of paper documents with the Criminal Registry.
- B. Electronic Document ("e-document") - An electronic file containing informational text.

- C. Electronic Filing ("e-file") - An electronic transmission of information between the Department and Judicial Administration
- D. Electronic Image ("e-image") - An electronic representation of a document that has been transformed to a graphical or image format.
- F. Portable Document Format (PDF) - A file format that preserves all fonts, formatting colors and graphics of any source document regardless of the application platform used.
- G. Subscriber - One contracting to use the E-Filing system. For the documents covered by this authority, this will be staff of the Criminal Registry of the Judicial Administration and the Royal Caymans Islands Police Service (RCIPS). Other subscribers may be added by the Court Administrator having regard for the protection of confidential information.

## 5. METHOD OF FILING

- RCIPS to e-file documents to Judicial Administration through SFTP or DropBox by sharing the documents to the appropriate folder identified on the SFTP or DropBox folder on the server of judicial administration system.
- In keeping with provision of section 14(3) of the Criminal Procedures Code, 2019<sup>1</sup>, charges must be duly signed by police officer when filing by drop box and must be reviewed and signed by Justice of the Peace, in exercise of the powers conferred by Section 14(3) of the Law and shall also be read, as circumstances require. This completes the process of filing.
- In sharing a charge document by an enforcement agency -
  1. If a charge/summons is filed the following must be specific:
    - If defendant is Agencies in Custody, bail or to be summonses
    - Defendant's full name and physical address
    - Email address, if any (essential)
    - Contact number (essential)
    - Nationality
  2. Other agencies filing documents must specify:
    - A case number on the document
    - Information set out in 5 (1) above.

The Case number must be visible to the user without having to open the document as part of the sharing reference entered into the SFTP or DropBox folder from which the document is uploaded;

- Documents transmitted without an indication of a specific reference of bail, custody, summons and a signature will be rejected.
- Criminal Registry staff will check the folder each working day before 9:00 am and upload any documents requiring signature to a Justice of the Peace.
- If a document is urgent the document should not be shared in the normal as stated above, an email marked "urgent" should be sent to [criminalregistry@judicial.ky](mailto:criminalregistry@judicial.ky) to notify staff of the urgent document/file to ensure that the document/file is accessed as a matter of urgency by the

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<sup>1</sup> Made under the Criminal Procedures Code (2019 Revision).

court. Unless you provide an email notification the document may not be processed until after 3 p.m.

- Documents sent to the Judicial server will be downloaded to apply the court seal and a Justice of the Peace signature as required on a charge document.
- Where a seal and signature has been applied, a JP's electronic signature, Criminal Registry staff will register the charge by giving a number.
- The number for each charge filed will be providing in a JEMS filing report to accompany the charge document.
- Agencies must apply the number to the charges as assigned in the report to the DPP SFTP or DropBox Folder of the appropriate agency and RCIPS SFTP or DropBox Folder along with the case number in the reference, the sealed file will trigger the creation of a court file, date stamp charge electronically with court seal according to the date received and place documents in the court's file pending hearing.
- Once in JEMS, documents can be viewed and printed by staff with authorization to view and print from JEMS.
- To avoid duplicate uploading and printing of documents, only persons with access to the SFTP or DropBox folder will be allowed to print documents shared within the folder. Staff will archive documents from folder when uploaded within 14 days.
- Documents uploaded by staff must be deleted from SFTP or DropBox immediately after uploading to avoid duplicate registration and uploading of documents.
- Documents will be 'filed' and date stamped by court at the date and time the documents were sent to the SFTP or DropBox Folder on the Server.

## **6. PRIVACY ISSUES**

Since these documents contain personal information, they will be set up within JEMS so that they can be viewed only by subscribers (i.e. authorised personnel) (see 4G above).

## **7. FORMAT OF DOCUMENTS**

All uploaded documents created by word processing programs must be formatted as follows:

- (a) the size of the type in the body of the text must be no less than 11 point font ideally Calibri or Arial as these are widely recognised as the clearest fonts – clarity will be particularly important for those viewing the reports within JEMS)
- (b) where footnotes are used, these should be no less than 8 point font;
- (c) the size of the page must be 8-1/2 by 11 inches (i.e. letter);
- (d) the margins on each side of the page should be 1 inch (2.4cm);
- (e) the top right 2"x 2" corner of the first page of each Report must be left blank – this will allow the Clerk of the Court's date stamp to be applied without concealing text;
- (f) each document must include:
  - a. the hearing date, if bailed
  - b. the defendant's full name, (First-middle-last)
  - c. Date of birth,
  - d. Nationality

- e. Physical Address,
- f. E-mail address and telephone number of the person filing the report
- g. Offence(s)
- h. Particular of offence
- i. Case number, if any

The maximum file size for the submission of electronically filed documents is currently 8 MB; this is likely to be more than sufficient for almost all reports.

If a report is too large to transmit, the person seeking to file the report should contact the Supervisor of the Criminal Registry or the Deputy Clerk of Court to decide how to proceed.

#### **8. SYSTEM OR USER ERRORS**

Inevitably problems will arise in using this system. Judicial Administration is committed to working with other subscribers to maximize the benefits of electronic filing and will do all that it can to support subscribers in implementing this procedure.

If a problem appears to arise from the technical operation of the SFTP or DropBox process, it will be referred initially to the Court Administrator for onward transmission to the Judicial Administration Network and IT Manager (Andrew Doussept). Unless exceptionally urgent, this should be a written description of the problem.

If a problem arises from the receipt or management of documents filed under this procedure, the primary point of contact for Judicial Administration will be the Clerk of Court or a Deputy Clerk of court. In their absence, the Supervisor of the Criminal registry at [criminalregistry@judicial.ky](mailto:criminalregistry@judicial.ky) and for RCIPs it will be the RCIPS at [RCIPS.process@gov.ky](mailto:RCIPS.process@gov.ky).

**Suzanne Bothwell**

**Court Administrator**

**Issued by approval of the Chief Justice on May 21, 2020**