

**RECOMMENDATIONS OF THE CASE FLOW MONITORING
COMMITTEE TO THE KZN PIJF**

ACTION PLAN

ACTION	RESPONSIBILITY	TIME-FRAME	PROGRESS REPORT/ COMMENT
1. Provide copies of the Guide to all Court personnel and conduct orientation on CFM, especially for new intakes at all levels.	Judicial area cluster heads, DPP, Regional Head		
2. Facilitate, in consultation with the Senior Public Prosecutor and Area Court Manager concerned, the holding of regular meetings between role players at those courts where meetings are not being held.	Judicial heads		
3. Minutes of the CFM meetings must be forwarded to the Secretariat of the Committee.	Regional Head		

ACTION	RESPONSIBILITY	TIME-FRAME	PROGRESS REPORT/COMMENTARY
4. Put into operation the provisions of section 342A (3) (e) of the Criminal Procedure Act, 1977.	DOJCD		
5. Implement the recommendations made to the Commission regarding the adjustments to the judicial establishments	DOJCD		
6. Create posts of Court Interpreters at Area Cluster level to render a relief service within area clusters.	DOJCD		A memo for additional critical posts has been forwarded to Pretoria.
7. Implement the E-Scheduler at all court houses where more than one court operates on a fulltime basis.	DOJCD		<ul style="list-style-type: none"> § E-scheduler has been implemented at 64 courts. (See list provided) § 11 courts are still on RAMP and therefore not connected.(See list) § 10 courts including Branch and Community courts are being looked at for the next phase starting in June 2007) § Access for ACM's, Area Cluster Heads, Chief Magistrates & PP's will be provided by July 2007.
8. Provide resources and logistical support at all levels of government linked to the courts which is a matter of great concern.	DOJCD		Refer to JCP&SC for attention – see the KZN Judicial Monitoring Committee report of 6 July 2006.

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9. Call for a national intervention to bring legislation that has been subjected to judicial amendment up to date, e.g. section 217 (1)(b) Act 51/77 was declared unconstitutional in 1995 but is still in the Act in its original form.	DOJCD		
10. Address the problem of poor discipline and non-compliance with official hours as well as court hours at those courts where these problems exist.	Judicial cluster heads, Chief Prosecutors and the Regional Head		
11. Investigate and make recommendations to the PIJF and management how to address the problem of overcrowded court rolls and poor productivity in the courts at affected court houses.	Overcrowding Sub-Committee		
12. Keep all official criminal court statistics.	Court Support Services		Close consultation required with the Prosecution and the Judiciary; look at the E-scheduler stats and decide of one set.
ACTION	RESPONSIBILITY	TIME-FRAME	PROGRESS REPORT/COMMENTS
13. Implement Durban Cluster Circular 7/2007 in the entire province in order to expedite the submission of automatic review cases.	Regional Head		
14. Implement a case flow management plan at all courts (Civil and Family	Regional Court President, Cluster Heads, DPP,	Forthwith	(Modeled on the C&CF Guide)

<p>Included).</p> <ol style="list-style-type: none"> 1. Adapt and implement CFM Plan at all courts. 2. Concerning the perceived conflict between the prosecutorial prerogative and the Travers case referred to above, it is the committee's contention that section 75(1) (a) of the CPA determines, <i>ex lege</i>, the judicial <u>forum</u> in which an accused is to be tried, i.e. a court at <u>a level</u> of competent jurisdiction in which he or she has appeared for the first time. Sections 75(1) (b) and (c), 75(2) (b) and 75(3) in turn, vest the authority to determine the appropriate forum at the appropriate <u>level of jurisdictional competency</u> in the prosecution. The assignment or distribution or allocation of cases to <u>particular courts</u> (i.e. to judicial officers presiding therein) at the relevant <u>level of jurisdictional competency</u>, however, is a judicial function as determined in the <i>Travers</i> judgment. It is accordingly recommended that the committee's view should be conveyed to all concerned in the context of the decision in <i>S v Khalema and others</i> (Special Review Judgment of the CPD dated 6 June 2007). 	<p>Judicial Heads DPP Regional Head</p>		<p>(Modeled on the Verulam CFM Plan).</p>
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<p>Prosecutors in the district courts generally lack the skill and experience to ensure the quality of investigations and trial readiness of cases that are destined for trial in the regional and high courts. It is recommended that these cases should be subjected to routine scrutiny and oversight by an adequately skilled and experienced regional court prosecutor to drive and monitor the investigation. To this end it is recommended that these cases should be postponed for at least six weeks on the district court roll for that purpose and that on the return date a provisional trial scheduling date on the regional/high court roll be provided to the district court prosecutor, who then requests a referral. Such a practice would facilitate trial scheduling and court roll planning in those fora in accordance with the <i>Travers</i> judgment.</p>			
<p>15. Address the problem of high withdrawal rates/number of cases being struck from the roll – attributable to cases not being trial ready at trial stage and non/improper service of subpoenas on SAPS members and civilians/dockets not brought to court.</p>	<p>DPP; SAPS Commissioner</p>		<p>Refer to JCP&S Cluster for attention.</p>
<p>16. Address the problem of pre trial</p>	<p>Regional Court President,</p>		<p>(Pre trial Questionnaire in C&CFM Guide).</p>

procedure not being consistently applied.	Cluster Heads, DPP, Legal Practitioners		Engage Legal Fraternity formally. (See Pre trial Questionnaire in C&CFM Guide)
17. Implement a standard format for requisitioning foreign language/sign language interpreters.	Regional Head		Pro forma requisition document in use at Durban Court.
18. Address the limited application of plea bargaining and sentencing agreements.	DPP		