

OPENING OF THE GRAND COURT 15th JANUARY 2020
ADDRESS OF THE DIRECTOR OF PUBLIC PROSECUTIONS

My Lord Chief Justice, Honourable Judges of the Grand Court, Honourable Chief Magistrate, other Honourable Magistrates, President of the Justices of the Peace Association, Honourable Attorney-General, Madam Solicitor-General, President of the Cayman Islands Legal Practitioners Association, President of A.L.P.A., distinguished colleagues at the Bar, distinguished Special Guests, Ladies and Gentlemen.

I rise to second the Attorney-General's motion for the Opening of the Grand Court. I am grateful to my Lord Chief Justice for the opportunity to make a few remarks on behalf of our office as I do so.

It was with great sadness that we bid farewell, in the summer of 2019, to Justice Charles Quin. May I simply echo the sentiments expressed by the Honourable Attorney General as to the loss of Quin, J, and indeed Justice Mangatal, from the bench of the Cayman Islands.

On a happier note, we at the Office of the D.P.P. are very pleased to see the return to the Cayman Islands of the Honourable Justice Margaret Ramsay-Hale, and we look forward to appearing before her as and when the opportunity presents itself.

Last year saw the implementation of new Criminal Procedure Rules, which were issued in November. Active case management is a key theme underpinning these Rules.

Close adherence to the rules, by all stakeholders, should result in more effective use of court time and less delay within the system. The enforcement of these rules will ensure that the wheels of justice turn at a pace set by the Court.

The caseload of the criminal courts has not abated in the last 12 months. In 2019 the Court of Appeal dealt with several important cases, including one in which multiple challenges were brought to the minimum prison terms to be served by those serving life sentences.

In each case the Crown argued that the minimum terms were appropriate. The Court of Appeal agreed, and upheld minimum terms for those 5 offenders with a combined total of over 160 years. The judgment sends an extremely strong message.

It was not the only deterrent message sent out by the Court of Appeal last year. In 2 further appeals against sentence, in cases involving firearms, custodial sentences well into double figures were upheld on appeal.

The Grand Court has also had a high volume of criminal work. 110 new indictments were filed in 2019, and our records indicate that 111 were disposed of. This represents an increase of over 20% on case disposals from the previous year.

It should be remembered, however, that just one complex trial can take up a far greater amount of court time than 5 or 6 more straightforward cases. With an increasing number of such complex trials, the Grand Court's criminal workload may become busier than ever before.

The work of the Summary Court has remained somewhat more constant. Constantly busy. Our records indicate that over 2000 live criminal charges were before the Summary Court in 2019 (not including traffic cases).

It is a credit to the Honourable Chief Magistrate and her team of able Magistrates, as well as the Judicial Administration team, that this workload is being properly managed.

I would like to take the opportunity to recognize the work of my Lord Chief Justice in bringing about further improvements to our systems. A criminal trials workshop, led by Justice Dame Dobbs, took place in July 2019. It was well received - and well attended - by practitioners from both sides of the Criminal Bar.

Following the publication of a report into the efficiency of the Summary Court, a further project was undertaken late in 2019, to examine ways in which improvements can be made to our criminal justice system. Expert consultants, engaged by the judiciary, conducted a thorough review of processes, in conjunction with various stakeholders, and we look forward to their recommendations in due course.

Other, less visible, work continues to be conducted by the Office of the D.P.P. Our international team provides as much assistance as possible to other countries requesting our help in their fights against crime. As with other other aspects of our work, this takes place outside the public eye.

During 2019 we dealt with 39 requests for international legal assistance, emanating from 14 different countries. Requests for evidence, court order, and sometimes extradition, which can be complicated and time consuming work. That is the highest

amount of international requests that we have received since we began keeping records. In one complex case, we were pleased to receive a note of personal thanks from the Director of the United Kingdom Serious Fraud Office.

The C.F.A.T.F.'s Mutual Evaluation Report of the Cayman Islands was published in February 2019, and not all of it made for for good reading. Before the report was published, work was beginning across government to address the deficiencies it highlighted. That work has continued throughout 2019 and into 2020.

All supervisors, regulators and law enforcement agencies are working tirelessly to enhance our ability to combat illicit flows of money potentially associated with international financial crime. Later this year we will find out whether those efforts have been successful, or whether further improvements will be required to meet the evolving standards set down by the international community.

Much of the work to address the report has been led by Senior Crown Counsel Elisabeth Lees, who was seconded from the Office of the D.P.P. for most of 2019, to be the National Co-Ordinator of the government-wide efforts to address the report.

Since the report was published, the Office of the D.P.P. has significantly enhanced its own abilities to prosecute money laundering and other forms of financial offending, with the addition of 2 full time positions for counsel specialising solely in financial crime.

Such cases can be extremely complex, and require a particular skillset. We have also rolled out an extensive program of financial crime training to all of our team, in

order to ensure that everyone can play their part when called upon. We are determined to do so. Much good work has been done, and much remains to do.

Finally, may I take the opportunity to thank the former Director of Public Prosecutions, Mme Cheryl Richards, (now Mme Justice Richards), for her steady stewardship of the Office of the D.P.P. for almost a decade, and for her wise counsel over the years.

Patrick Moran

Director of Public Prosecutions