

**Address by Simon Davis,
Director of Public Prosecutions
Grand Court Opening – 11th January 2023**

Introduction

My Lady Chief Justice, other Honourable Judges of the Grand Court, Honourable Chief Magistrate, and other Honourable Magistrates, President of the Justices of the Peace Association, Madam Solicitor General, President of Cayman Islands Legal Practitioners Association, Special Guests, distinguished colleagues at the Public and Private bars, Ladies and Gentlemen.

I second the motion of the Solicitor General (who deputises for the Honourable Attorney General) for the Opening of the Grand Court and I am grateful to my Lady Chief Justice for the opportunity to address the court and, in particular, to mention Highlights of 2022 : Aspirations of the ODPP in 2023 ; Projects and Plans to be Executed and also to comment on Any Initiatives to Streamline the Relationship which the ODPP has with other stakeholders.

Chief Justice Ramsay–Hale and Former Chief Justice Smellie

First of all, I hark back to the speech I made for you, My Lady, on the day of your appointment to the position of Chief Justice. I mentioned then and I repeat now my commitment to work with you and with the judiciary in order to provide an effective and efficient Criminal Justice System.

I would also like to mark the immense contribution of your predecessor, Sir Anthony Smellie. His long lasting stamp on Cayman law will be felt for years to

come. A more fulsome tribute will undoubtedly be given at a later stage. However, I would like to thank him for his dedicated service to this jurisdiction over many years and to wish him well in his deserved retirement.

Highlights of 2022

The office of the DPP has gone through significant change in the last twelve months. First of all, I wish to thank Candia James–Malcolm, my deputy, for her careful stewardship of the office before my appointment in March 2022.

Secondly, I can report that 2022 was another busy year for the Office. It received over 2200 requests for charging decisions to be made. 104 indictments were prosecuted before the Grand Court compared with 83 in 2021 while Crown Counsel prosecuted in the region of 1200 cases before the Summary Court and 948 cases before the Traffic Court.

Notable cases prosecuted successfully by the Office included one for Gross Negligence Manslaughter involving a collision between two boats : another for murder which saw a minimum term sentence of 33 years being imposed ; firearm and robbery offences in which double figure sentences were imposed ; together with convictions after the twelve week trial of two Defendants involved in the CONCACAF fraud.

Internally, the Office saw two Crown Counsel departing to pastures new while three Crown Counsel joined our ranks, one in Traffic and two in Crime. We have also recruited a full time paralegal officer. The Senior Management Team is now well established. This assists me in the effective management of the Office.

In April 2022, the Office reflected on its direction, its values and its approach. This culminated in the Office firmly establishing its Mission and Vision

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Statements in May 2022. These statements will feature on our new Website which is due to launch in early February. Our Mission and Vision statements are founded upon strong Core Values and a realistic Strategic Approach.

At the heart of that Strategic Approach are two concepts namely :

‘Our People’ – supporting their success and their well being through development of their knowledge, skills and commitment, so enabling them to thrive, and

‘Casework Excellence’ – driving standards in the quality of casework through legal expertise across departmental agencies and international cooperation to keep the public safe.

This Strategy is designed to ensure Public Confidence in the way we deal with victims, witnesses and in upholding the rights of Defendants in a clear, fair and transparent way.

In addition, the office now has its own Mentorship scheme and Well-Being programme.

Although an independent Office, it still invests seriously in Government strategy and its members should be proud of their recent Engagement Survey results. While I mention the members of the Office, I pay tribute to my dedicated team which comprises administrative support staff, my PA, Serious Crime Case Manager, Paralegal Officer, Witness Care Officer, Crown Counsel, Senior Crown Counsel, my two Assistant Deputies and my Deputy Director, all of who play a crucial role in getting each case into court.

I am immensely proud of those Crown Counsel and other members of staff, many of who will be closely involved with any given case, who often have to

work way beyond their contractual hours in order to ensure that the prosecution of any case goes smoothly in court – especially so, where cases continue to increase in complexity.

Turning to our interaction with others in the Criminal Justice System, the Office has welcomed engagement with Chief Magistrate Foldats. Regular Court Users meetings now occur at which relevant stakeholders, including our Office, can provide feedback in order to further the smooth running of the Summary and Traffic Court processes.

Throughout 2022, Toyin Salako (Assistant Deputy) has been co-President of the ARIN-CARIB (Asset Recovery Inter-Agency Network) together with Detective Chief Inspector Richard Barrow of RCIPS. In November, together with RCIPS, the Office hosted successfully a conference at the Kimpton Seafire Resort at which fifty or so delegates attended. The Office was delighted to be asked to hold the Presidency again in 2023.

Throughout 2022, again led by Toyin Salako, members of the Office have continued to assist the Honourable Attorney General and CIG in responding to FATF compliance questions. This culminated in members of the Office attending the recent CFATF Plenary also in November. It will be a privilege and a pleasure for the Office to continue to support the Honourable Attorney General during the course of his Presidency of the CFATF this coming year.

In addition, during 2022, the Office has assisted the Honourable Attorney General with proposals relating to legislation involving, inter alia, the Anti-Corruption (Amendment) Act : the Proceeds of Crime (Amendment) Order which now treats certain Gambling offences as ‘Lifestyle Offences’ for confiscation

proceedings and the Traffic (Amendment) Act which lowered the limits for drink driving cases.

Aspirations, Projects and Plans for the ODPP

For 2023, the Office has a number of ongoing aspirations, projects and plans. When considering our overall vision for the future....

‘Our People’ – the strategic approach of the Office involves putting our people at the heart of what we do. This involves ensuring the right office culture and ensuring the right work life balance for those who work tirelessly as they prepare and prosecute cases in court. This approach will continue, not just for 2023, but well beyond.

‘Casework Excellence’ and Professional Standards – the strategic approach of the Office also involves driving professional standards upwards. This involves building upon all of the hard work implemented by the Senior Management Team last year with regard to regular Training and Development : regular Appraisals and regular Monitoring of the work of our Crown Counsel to ensure that cases are prosecuted to a high standard.

‘Digital Capability’ and ‘Strong Relationships’ are the other aspects of our strategic approach and involve ongoing projects for 2023.

Website – for the past four months the Office has been designing and building its new website. Inter alia, this will provide much needed information to the public, especially to do with criminal procedure and victim and witness care : it will assist with transparency and will also provide necessary information for those making requests to the Office from overseas. The website should be up and running in February 2023

Computerisation – with the assistance of Dan Haydon and other members of the CIG Computer Services Department, the Office is going digital. This involves a number of key aspects.

- Firstly, the Office is expanding its digital Case Management System.
- Secondly, it involves all Crown Counsel leaving paper behind and presenting cases in court using laptops – this is as the court indicates its intention to enter the digital arena for case management purposes.
- Thirdly, the Office hopes for digital integration to some greater or lesser degree with, in particular, the Office communicating with the Court and RCIPS through Application Programming Interfaces. The Office will make any necessary arrangements to facilitate this process.
- Fourthly, it involves digital archiving of finished files with obvious cost and space savings.

With a careful eye to the future, the Office has successfully recruited three new Crown Counsel who are due to commence their employment with us over the coming weeks. The Office has ongoing recruitment exercises for :

- Senior Crown Counsel (International) – to assist with the increase in overseas requests, fraud and financial crime offences, together with our FATF obligations
- A second Witness Care Officer – in order for the Office to fulfil its obligations under our Witness Charter
- A Case Progression Officer – to ensure that communication between the Office and the Court and with other Court stakeholders is more efficient and effective.

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Further, the Office welcomes the recent Practice Direction which relates to Custody Time Limits (CTLs). Our updated internal Rostering process enables the Office to manage trials being accommodated within the recognised CTLs.

The Office also welcomes the arrival of the Legal Services Act and the consequent establishment of the Legal Services Council. As and when required to do so, the Office will be happy to assist the Council as it develops.

In accordance with our strategic approach, the Office looks forward to strengthening its relationships with our key criminal justice system partners over the coming year

Finally, I echo the words of the Solicitor General in wishing a safe, prosperous and productive New Year to Your Ladyship, all Judges and Magistrates, the court staff, fellow members of the legal profession and those who attend today.

Simon Davis, DPP