

**Address by Simon Davis,
Director of Public Prosecutions
Grand Court Opening – 10th January 2024**

Introduction

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

I second the motion of 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 2023 : aspirations of the ODPP for 2024 ; projects and plans to be executed and also to comment on any initiatives to streamline the relationship which the ODPP has with other stakeholders.

Highlights of 2023

2023 was another busy year for the Office. It received over 2100 requests for charging decisions to be made. 106 indictments were preferred before the Grand Court. 928 cases were initiated before the Summary Court while 1030 cases were initiated before the Traffic Court. Over 4200 charges in total were filed by the office with the court.

Notable cases prosecuted successfully by the Office included :

- Two homicide cases, one in which two Defendants were convicted of the manslaughter of a former prison officer : another where two Defendants were convicted of their parts in the murder and wounding of two victims at a bar a stone's throw from the court.

Other notable convictions include those of

- A former police officer who was charged with perverting the course of public justice, resulting in a sentence of 4 years imprisonment :
- A Customs and Border Control officer charged with the possession of two firearms and ammunition and,
- A Defendant charged with a string of armed robberies and burglaries at the turn of the year, bringing an end to a spate of criminal activity.
- Most notably there was a conviction for attempted murder (a shooting - R v Luisto Hernandez) resulting in a 21 year sentence.

An appeal against conviction was refused by the Court of Appeal where the Appellant had been charged with attempted murder and possession of a firearm. The appeal turned on the successful use of Section 33 Evidence Act - a hearsay application for a witness absent through fear.

Internally, the Office team saw three Crown Counsel departing to pastures new while five Crown Counsel joined our ranks, three in Crime and two in the International Team. We have also recruited a Case Progression Officer and a second Witness Care Officer.

Since May 2022, the Office team has been guided by its Mission and Vision Statements. These statements now feature on our new Website. Our Mission and Vision statements are founded upon strong Core Values and a realistic Strategic Approach.

At the heart of that Strategic Approach are four concepts namely “Our People, Digital Capability, Strong Relationships and Casework Excellence”.

When considering ‘***Our People*** [supporting their success and their well being through development of their knowledge, skills and commitment, so enabling them to thrive’]..... one example of that success was the nomination and selection of Miss Kim Chin as Cayman Islands Government (CIG) employee of the month for September 2023. The Deputy Governor noted that ‘her commitment and excellence as a Legal Executive Officer have significantly impacted the ODPP. She exemplifies CIG core values of passion, integrity and professionalism. Her approach to work, especially during challenging periods sets a benchmark for us all’.

Another example of that success was the award received by the ODPP for the ‘Most Improved Engagement Survey Index’. Although an independent office, employees of the ODPP are still subject to CIG values and responsibilities. These values and responsibilities are to some extent reflected by the way in which employees respond to the government’s annual engagement survey. The award was achieved with ‘drivers of engagement’ around employees feeling valued for what they do, employees being treated with respect and employees receiving the support they need to do their jobs.

In the area of ‘***Digital Capability*** [our investment in an effective digital capability will help us to adapt to a rapidly changing criminal landscape and to improve the way justice is done’].... another part of the office strategic approach, the ODPP has moved forward dramatically over the last 12 months.

The website has been transformed. It can now provide much needed information to the public, especially to do with criminal procedure and victim and witness care : it assists with transparency and also provides necessary information for those making requests to the Office from overseas.

Monday, 8 January 2024

The office has acquired laptops for all Crown Counsel so that they have access to true work flexibility and efficiencies. Crown Counsel can manage case loads remotely and will be able to present cases in court digitally.

The office case management system has now been expanded such that the office can now go fully digital. Gone will be the days of paper files as the office team begins and then continues to process files digitally. Putting this facility in place has taken time but will produce obvious efficiencies and economies. Full training for all employees on the use of the new system is to follow.

When turning to '**Strong Relationships** [as the robust and effective hub of cross departmental agencies and International Cooperation, the ODPP will drive change to the Criminal Justice System for the Cayman Islands']..... the office has continued to forge its links with local stakeholders.

The relationships it has with the main stakeholders namely the Police, Customs and Border Control, the Coast Guard and the Anti Corruption Commission are firm and dynamic.

Relationships with other hitherto less busy departments, such as the Department of Environment, grow stronger as more and more of their cases land in the office, necessitating expertise from Crown Counsel in regulatory work.

The strong relationship which the office has with the Police was recognised in 2023 when the office team was acknowledged for its 'many years of support in the training and development of RCIPS recruit classes'. One employee, Dennis Walkington, was singled out for particular praise for his longstanding support to RCIPS recruit development and training. In 2023, the support provided to the police culminated in mock trials being staged in this building in which the recruit class participated.

Monday, 8 January 2024

The Mission, Vision and Strategic Approaches are new to the office but certainly appear to be gaining momentum and traction.

The office continues to promote its Mentorship scheme, Team Building and Well-Being programmes.

I pay tribute to my dedicated team which comprises 4x legal executive officers, my PA, an office assistant, Serious Crime Case Manager, Paralegal Officer, 2x Witness Care Officers, a Case Progression Officer, 12x Crown Counsel, 3x Senior Crown Counsel, 2x 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 the former Chief Magistrate, Valdis Foldats and Your Ladyship. Regular Court Users meetings at which relevant stakeholders, including our Office, can provide feedback in order to further the smooth running of the processes before all courts are very much welcomed.

Throughout 2023, Toyin Salako (Assistant Deputy DPP) was co-President of the ARIN-CARIB (Asset Recovery Inter-Agency Network). In July, together with the police, the Office hosted successfully a conference at the Kimpton Seafire Resort at which over 90 delegates attended - this being a considerable increase in the number of delegates from 2022.

Throughout 2023, members of the Office have continued to assist the Honourable Attorney General and the government in responding to evaluation

Monday, 8 January 2024

questions posed by the Financial Action Task Force (FATF). The office is inextricably linked to the FATF framework. With other representatives of the Cayman delegation, Toyin Salako and myself appeared before the FATF Joint Group in Miami, Mexico and more recently at the Joint Group On Site visit in September. The office contribution assisted the Cayman Islands being removed from the so called 'grey list'.

The Cayman delegations were led by the Honourable Attorney General whom the office will continue to support as the Cayman Islands moves into its fifth round of evaluation for FATF purposes. Further, it has been a privilege and a pleasure to support the Honourable Attorney General during the course of his Presidency of the Caribbean FATF organisation in 2023.

I thank Toyin Salako for her involvement with the ARIN-CARIB and with the FATF process.

In addition, during 2023, the Office has assisted the Honourable Attorney General with proposals relating to legislation involving, inter alia, the Criminal Justice (Offenders Assisting Investigations and Prosecutions) Act : the Firearms Act, the Evidence Act and the Merchant Shipping Bill.

Aspirations, Projects and Plans for the ODPP

Reflecting on the speech I gave last year, I set out then the aspirations, projects and plans for the ODPP for 2023. I am able to say that the bulk of those plans have been fulfilled.

So, for 2024, the Office has a number of new aspirations, projects and plans. When considering our overall vision for the future....

Monday, 8 January 2024

The office puts its people at the heart of what we do. This involves ensuring the right team culture and ensuring the right work life balance for those who work tirelessly as they prepare and prosecute cases in court. This approach has started and will continue throughout 2024 and well beyond.

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. Regular appraisals and regular monitoring of the work of our Crown Counsel are in place to ensure that cases are prosecuted to a high standard.

This aspect of our strategic approach also requires consistent training and development of our team. The reconfiguration of our office space will ensure that the office team can benefit from a training, conference and video conferencing suite, enabling the team to host witness care meetings, face to face conferences, training sessions for employees and law enforcement agency personnel and to benefit from state of the art communications facilities.

Training the whole office team with a view to going digital will be a challenge but one which, over time, will be beneficial in terms of efficiency and economy. This training should be completed before the end of June.

With a digital office, communication with stakeholders should be different and more efficient. This is due to start.

The office team will also work with the court as and when it launches its digital evidence platform and, while working with the court, will ensure that movement from paper to digital evidence is as seamless as it can be.

The office also proposes a fundamental change to the way it recruits its employees - specifically those employees who are legally qualified. The provision of a 'Legal Family' concept is not new and is not something for which I

Monday, 8 January 2024

can take credit. However, on behalf of the ODPP, I undertake to drive this concept forward. It involves root and branch reform - growing the office from the bottom up : nurturing home grown Caymanian talent and retaining it rather than just recruiting as and when required ; putting in place a formal training and supervision process for that home grown talent to start and to continue throughout their career within the office.

I know that this undertaking will be worthwhile, having witnessed the obvious widespread talent on island as I attended a recent 'Inter School Debating Tournament'. Reaching out to Cayman's home grown talent and offering those involved the opportunity to experience work within the office will be the first step to ensuring that the Legal Family concept morphs seamlessly into reality.

Elsewhere, the office is in the process of reviewing its internal and external policies and protocols to ensure that they are up to date and fit for purpose. In particular, the provision of a formal costs policy to be adopted by the Prosecution in proceedings before the Grand Court and Summary Court is deemed necessary and long overdue.

With a careful eye to the future, the Office is looking to recruit three new Crown Counsel in Crime and three Crown Counsel with expertise in financial crime.

In accordance with our strategic approach, the Office team looks forward to strengthening its relationships with our key criminal justice system partners over the coming year. In particular, I look forward to working with our new Commissioner of Police, Kurt Walton.

May I also thank your court staff who assist daily with the smooth running of the court process for so many case files filed with the court by the ODPP.

Finally, I echo the words of the Honourable Attorney General in wishing a safe, prosperous and productive New Year to Your Ladyship, all Judges and

Monday, 8 January 2024

Magistrates, the court staff, fellow members of the legal profession and those who attend today.

Simon Davis, DPP

8th January 2024