

Address by Simon Davis,
Director of Public Prosecutions
Grand Court Opening - 8th January 2025

My Lady Chief Justice,

Other Honourable Judges of the Grand Court,

Honourable President of the Court of Appeal and other Justices of Appeal

Honourable Chief Magistrate and other Honourable Magistrates,

Honourable Attorney General and Madam Solicitor General,

President of the Justices of the Peace Association,

President of the Cayman Islands Legal Practitioners Association,

President of the Association of Legal Professionals and Advocates,

Chairman of the Judicial and Legal Services Commission,

Special Guests, distinguished colleagues at the Public and Private bars, Ladies and Gentlemen.

My Lady,

Simon Davis, the Director of Public Prosecutions, is in Vienna, Austria. He is attending a Financial Action Task Force (FATF) Joint Experts Meeting on behalf of the Cayman Islands. He apologises for his absence today.

I make this speech on his behalf.

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

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and, in particular, to mention highlights of 2024 : aspirations of the ODPP for 2025 ; projects and plans to be executed and also to comment on any initiatives to streamline the relationship which the ODPP has with other stakeholders.

Before I do so, may I echo the words of the Honourable Attorney General. In particular, he has thanked and congratulated a number of people. I adopt his comments.

2024 was another busy year for the office. It received over 2300 requests for charging decisions to be made. Over 130 indictments were preferred before the Grand Court. In excess of 2500 charges were filed by the office with the summary courts.

Notable cases prosecuted successfully by the office included :

Operation Canada - four defendants were convicted and sentenced to various terms of imprisonment for their part in the 'insider job' burglary of the Royal Bank of Canada in 2016. This was a lengthy and difficult trial ;

A Defendant was convicted and sentenced to 9 years imprisonment for possession of an unlicensed firearm - a ghost gun.

{A Defendant was convicted and awaits sentence for stalking and for committing a reckless and negligent act of driving at his former male partner. This trial lasted 10 days.]

A Defendant accused of killing two people and injuring a third in a deadly shooting outside the Globe Bar in George Town bar in 2021 was found guilty of two counts of murder, one count of attempted murder and possession of an unlicensed firearm. He awaits sentence ;

Two Defendants were convicted and sentenced to 11 and 10 years imprisonment respectively for manslaughter, arising out of an incident at an illegal gambling den ;

Two Defendants describing themselves as 'citizens of the world' were convicted and sentenced to four years for smuggling two Ethiopian men to the Cayman Islands.

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One Defendant was convicted and sentenced to 23 years imprisonment for the manslaughter of another man. That offence arose over a \$175 debt. The offence was committed in broad daylight on Shamrock Road in Bodden Town.

A female Defendant was convicted and sentenced to 6 years 6 months imprisonment for a series of fraudulent arrangements arising out of bogus real estate transactions

In the Cayman Islands Court of Appeal.....

A sentence of life imprisonment was upheld for a man convicted of aggravated burglary and robbery in a “home invasion” case involving multiple assailants and the use of a firearm,

The conviction and subsequent sentence of 12 years imprisonment was upheld for a defendant convicted of robbing a gas station at gun point.

My lady,

The office continues to drive forward its Mission and Vision statements. The strong core values and realistic strategic approach continue to gain momentum.

When considering ‘Our People’, the team saw three Crown Counsel departing to pastures new while three Crown Counsel have joined our ranks. Our longstanding office runner also departed to new employment in Cayman Brac. We thank those who have left us for their hard work and commitment to the office.

Recruitment has been ongoing for Crown Counsel, Crown Counsel Financial and Senior Crown Counsel (Financial). We hope to complete those recruitment exercises in the next few days and look to expand our Crown Counsel capacity as we engage with the FATF 5th Round of Evaluation.

In addition, we have advertised and successfully recruited two Caymanians to our reception and legal executive posts.

In the last 12 months, the support staff have received team building training. There will be more training to come. Further, as part of our teamwork philosophy, we ensure monthly meetings for support staff and Crown Counsel take place. These meetings are fundamental to ensuring that we have a consistent opportunity to discuss trends and ongoing issues.

Some sign of the way in which the team functions on a day to day basis can be gleaned from the results of the annual 'Engagement Survey' conducted by the government. Although the DPP's office is independent, employees are still subject to CIG values and responsibilities. Those values and responsibilities are to some extent reflected by the way in which employees respond to that survey. The Engagement Survey Index rose by 8% points with 'drivers of engagement' around employees having confidence in decisions made by senior management, the organisation being committed to creating a diverse and inclusive workplace and employees being treated with respect.

Crown Counsels' use of laptops has provided them with flexible working, while all members of the team have received access to better and more up to date digital technology, making their work more effective and making their time more productive.

In addition, the Legal Family project, which the DPP undertook to drive forward, finally appears to be viable, both practically and financially. 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. We aim to launch this in the coming month.

Hand in hand with that project, we are pleased to report on a significant milestone in our team's professional development initiatives. We have launched a 'Work Based Learning Scheme' which is specifically designed to nurture, develop and retain quality Caymanian lawyers who have a keen interest in criminal law. Crown Counsel, Colleen Cummings is the inaugural participant in this scheme which is the first of its type in Cayman. Under the mentorship of Senior Crown Counsel, Nicole Petit, Ms Cummings has exemplified the scheme's potential. Her success sets a promising precedent for this new project, which we anticipate will strengthen the capacity of our team to attract, nurture and develop legal talent within the Cayman Islands.

The 'work based learning scheme' is now capable of being rolled out to assist any aspiring Caymanian criminal advocate.

The office is to go through a substantial refit over the coming months. We are putting measures in place to reduce the impact of the building work on the team with a view to them being able to conduct 'business as usual' where possible. However, we do not underestimate the impact that such a huge project will have on the office and so we will do our utmost to ensure that any such impact will be reduced.

The DPP again pays tribute to his dedicated team which presently comprises 4x legal executive officers, a PA, an office assistant, Serious Crime Case Manager, Paralegal Officer, 2x Witness Care Officers, a Case Progression Officer, 11x Crown Counsel, 3x Senior Crown Counsel, 2x Assistant Directors and a Deputy Director, all of who play a crucial role in getting each case into court.

The DPP continues to be 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 the Digital Capability of the office and the team, we continue to drive forward the 'going digital' project. Since the upgrade to the case management system, training has been provided to staff of RCIPS, other LEAs and government departments so that they can interact with the office without paper files. This is a substantial project which is ongoing.

To coincide with this digital expansion and while considering our FATF obligations, a standalone 'Financial Crime Database' is also work in progress. We thank the Computer Services Department for their assistance with this ongoing project.

Further, the office is actively engaged with delivery of a digital archiving system. This project has been ongoing for some considerable time. It is hoped that authorisation of our retention schedule for archiving purposes will provide real time capability to research and to access all cases, past and present, within a central database.

While we continue to use 'Sharefile' capabilities for disclosure of substantial case files, we hope that this will be a temporary measure as other methods are considered for data sharing. One such project will be the new website which, it is hoped, will include the provision of secure areas for Law Enforcement, relevant government departments, the defence, witnesses and victims as well as our international partners to access the website for information and to download relevant digital data. This is a substantial project which will require completion before the end of 2025.

Turning to the 'Casework Excellence' aspect of our strategic approach, work is ongoing to ensure that all members of the team have access to training. Recent training has included the prosecution of sexual offences : confiscation ; witnesses and victim care ; bail and firearms.

Over the next six months, it is anticipated that more detailed training will follow with regard to witnesses and victim care. This will involve consideration of a knowledge and skills based framework to do with Trauma Informed Justice. If this is successful, we would hope to roll this out to other interested parties.

Consistent and relevant training is key to ensuring that all Crown Counsel are provided with the necessary tools to conduct their substantial case load.

In addition to the 'Work Based Learning Scheme', we also have ongoing training of the more junior members of the office in all aspects of the trial process.

It would be tempting merely to provide training but not to consider the results. Consistent monitoring will be key to ensuring that not only is the training relevant but also that it is having the necessary effect.

Turning to our interaction with other stakeholders within the Criminal Justice System, our mission and vision statements strive for 'Strong Relationships'. The team looks forward to strengthening its relationships with our key criminal justice system partners over the coming year.

We have welcomed the establishment by Your Ladyship of a stakeholders forum at which 'bigger picture' issues can be ventilated. We look forward to working with you to ensure that this project is a success.

A Memorandum of Understanding for cases involving domestic violence has recently been signed after substantial discussion and input from four key stakeholders, namely the Court, the ODPP, the Police and the DCR. The MOU was born initially in 2019 but had not been updated for some considerable time. It was a pleasure for the office to work with other key stakeholders to ensure that the MOU was revitalised. Only time will tell how it will be implemented.

Over the last twelve months, the DPP has had face to face meetings with most stakeholders. Those meetings have provided everyone with the opportunity to discuss best practice. In addition, and most importantly, they have enabled us to inform everyone of our progress with 'going digital' and how everyone can be part of this transformation.

As our office goes through its refit, we will provide a purpose built training suite for the whole team. There, they will be able to benefit from training provided internally and on an online basis through organisations such as the International Association of Prosecutors. Where possible, training sessions for Crown Counsel will also be made available for LEA officers as well as government departments, thus ensuring that training is consistent and relevant across all departments.

At grass roots level, the DPP has made available the substantial knowledge and expertise of Dennis Walkington (Serious Crime Case Manager) to train RCIPS recruits as well as staff of other relevant agencies. His attention to detail and willingness to provide necessary tuition and guidance has been recognised by those whose employees he has mentored. In particular, his services have been recognised as a true "benefit to the development of young Caymanians".

The office has also been involved in the training of :

- CID officers with regard to various evidential topics,
- CICG recruits on the role of the DPP, as well as

- HSA staff with regard to medical evidence, trauma related cases, patients with mental health conditions as well as section 82 of the Traffic Act.

In addition, members of the team have been involved in :

- Workshops to consider CIG's compliance with the Lanzarote Convention to do with Child Sexual Abuse
- Assistance to relevant CIG departments with implementation of the Older Persons Bill and the Children Amendment Act as well as potential amendment of the Criminal Procedure Code to do with sections 158 and 159 and the treatment of persons with mental health conditions.

Then, when considering our international commitments, members of the team are also involved on a day to day basis with fielding a substantial volume of mutual legal assistance requests as part of the responsibilities of the DPP being the Central Authority for the Cayman Islands. While ongoing litigation with one particular entity will define the volume of those overseas requests, it also provides substantial opportunities for the team to engage in particularly rewarding work.

In September 2023, the office became a signatory to the International Association of Prosecutors ('IAP'). The office continues to forge strong links with the IAP and benefits from regular online training sessions. In addition, three members of the team attended the IAP Annual Conference in Baku, Azerbaijan in September 2024 where two of them provided presentations to the conference on environmental crime and terrorist financing.

It is hoped that the office will be able to host an IAP Regional Conference later this year for North America and the Caribbean region.

Throughout 2024, members of the Office have continued to assist the Honourable Attorney General and the government with preparations for the FATF 5th Round of Mutual Evaluation. The office is inextricably linked to the FATF framework. That support and assistance will continue into 2025. Members of the team have travelled to Busan, South Korea for FATF competency training and Jamaica for Assessor Training. Most

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recently, Toyin Salako, Assistant Director, has been engaged as an assessor for IO7¹ compliance of another Caribbean jurisdiction.

Two members of the team have also attended the Overseas Territories Countering Financing of Terrorism Forum in June and October for FATF purposes.

As indicated a few moments ago, the DPP is presently in Vienna, Austria where he is attending a Financial Action Task Force (FATF) Joint Experts Meeting with regard to Terrorist Financing. Toyin Salako, Assistant Director, attends a concurrent meeting to do with Money Laundering.

Further, during 2024, members of the Office have assisted the Honourable Attorney General with proposals relating to legislation involving, inter alia, the Firearms Act ; the Proceeds of Crime Act, the Traffic (Amendment) Act and the Evidence Act.

Before closing, My Lady, I wish to thank your court staff who assist daily with the smooth running of the court process for so many cases 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 Magistrates, the court staff, fellow members of the legal profession and those who attend today.

Simon Davis, DPP
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¹ Immediate Outcome 7 = IO7