

**Opening of the TCI Legal Year 2023 (January 4, 2023)**  
**Speech in Support of the Motion to Open the Legal Year 2023**

**By**  
**the DPP, Eugene Otuonye, K.C.**

*My Lady,*

*(Acknowledge the presence of the Dignitaries if permitted by time)*

*I crave your indulgence to gratefully adopt the protocol, ably established by the Hon Attorney General.*

1. I rise to support the motion just moved by the Hon Attorney General for the opening of Legal Year, 2023. I remain grateful for the opportunity this occasion gives me and my office to highlight to this Hon. Court and the listening public, the affairs and workings of Office of the Director of Public Prosecutions (ODPP) during the past year and the expectations for the new year.

2. For me, the proceeding today is a little different. This year's Speech is my penultimate. It may also be my last, depending on whether I demit office before my current tenure expires on January 14, 2024, just after the next Opening of the Legal Year. I think I am more comfortable to say, that by God's grace, the next voice you will hear by this time next year will likely be that of my successor. For this reason, may I crave the indulgence of my Lady's forbearance and understanding for a little more time and the way I have tried to articulate myself this year - a bit out of character; So please, my Lady!

3. In January 2019, I was given the first opportunity, as the incoming DPP, to lay out my vision. Given the circumstances prevailing at that time in ODPP and the TCI Criminal Justice System generally, my strategic focus was 3 pronged:

- (a) To re-build the Office of the DPP's (ODPP) work force into a cohesive, motivated, professional and result-oriented team; At that time and now, I envisioned a prosecutorial powerhouse;
- (b) To re-engage in a meaningful and tangible way, with the key Criminal Justice Stakeholders;
- (c) To re-deliver our prosecutorial services and products at the highest professional standards.

4. This focus underpinned the ODPP 3-Pillar 2019-2024 Strategic Plan that focuses (a) Our People (b) Our Partners and (c) Our Work. I will primarily speak on these 3 focus areas, highlighting some of our milestones, short comings and challenges and what to expect going forward in 2023.

### ***Our People***

5. Let me start with *Our People* – the ODPP Workforce: On this occasion last year, I did express, and today I hereby express again, with deeper gratitude and pride, to have worked with and still working with an outstanding, cohesive and motivated Team comprising, not just my in-house Prosecutors and the Administrative staff colleagues, but also Prosecutors on special assignments such as Mr. Andrew Mitchel, K.C. and his SIP Team as well as other external Prosecutors I have had need to instruct to conduct Prosecutions on my behalf. These include local attorneys, like Oliver Smith, K.C. and Hon Willin Belliard and regional Prosecutors such as Hon Senator Evans Welch of Trinidad and Tobago Bar and now Justice Maxine Jackson of Jamaica.

6. Last year, Hon Justice Jackson came to our assistance from ODPP Jamaica as Senior Deputy DPP. At no cost to TCI, at my request, she was released by her DPP, Ms. Paula Llewelyn, K.C. and the Jamaican PSC. She was paired with one of our in-House Prosecutors, Ms. Mickia Mills. It was while Hon Justice Jackson was prosecuting the case in TCI that she was appointed a High Court Judge in Jamaica. But since her departure, she has continued to mentor

Ms. Mickia Mills, with significant impact on her professional development. That is the nature of the institutional harmony and cohesion that now prevail in ODPP.

7. I believe, with God's help, we have continued to make progress in this area because every staff member from the lowest to the highest, has taken ownership of and committed to run with the Vision and Mission of the ODPP. They consider themselves valued, appreciated and motivated through a strategic, firm, but humane leadership, that have provided opportunities for holistic professional and personal developments that have also included their mental wellbeing. Indeed, in accordance with ODPP strategic plan, continuous professional training, and staff development have assumed top priority place across the ODPP organizational spectrum. The details of these numerous trainings and staff development initiatives are now being published in the recently launched Website of the ODPP.

8. Within the last year alone, a total of 5 staff members (2 Prosecutors and 3 Admin. Staff) were appointed on promotion, following competitive TCI Public Service recruitment process. In relation to Prosecutors, Ms. Mickia Mills and Ms. Tamika Grant came tops over several international applicants, to secure their current positions as Senior Prosecutors. Two of our recently appointed Victim and Witness Support Officers (Mrs Shalana Smith-Cole and Mrs Mickcal Lightbourne) are under-going relevant training facilitated by the UK, University of Portsmouth's School of Criminology and Criminal Justice. Another Admin staff, Derby Benjamin, is being enrolled into paralegal studies with UWI Open Campus. I proudly congratulate these colleagues on their well-deserved promotions and the opportunities for professional and personal advancements which they have embraced.

9. My Lady, it has however not been all smooth sailing on staffing. Between 2021-22, we lost 3 TC Islanders - all Senior Prosecutors in the persons of Latisha Williams, Leanna Brooks and Shatelia Hall-Green. These were outstanding prosecutors in their own right. Together, they served their Country, TCI, for a total of about 30 years. The circumstances of their leaving, I must say, have nothing to do with an unhealthy work environment; on the contrary, they contributed to the rebuilding of the work force into the cohesive and motivated work force we had achieved before their departure. The reality is that after 10 years of just prosecutions, with little or no prospects of further advancement in ODPP, each of them, demitted office for a more challenging and professionally and financially rewarding opportunities that presented. This is understandable and I will always be proud of them. I am also sure TCI will remain grateful for their outstanding service to the course of criminal justice in these islands.

10. My lady, the staffing challenge got worse. Through the hard work and support of the HRMD, we recruited their replacements – mostly expatriate staff. However, due to different and in some cases sad circumstances, these replacements demitted their offices prematurely. My Lady, you will be aware of Mr. Sylvester Folorunso (PPP), and in particular, the case of Ms. Sophia Thomas (SPP) and the genuine public interest concerns she generated. Nevertheless, I remain grateful for their services during their short time with ODPP.

11. Thankfully, these unexpected vacancies, allowed for the appointments on promotion, I earlier mentioned as well as Mrs Nayasha Hatmin, as Senior Public Prosecutor. Mrs Hatmin was a former Senior Deputy Registrar of the TCI Supreme Court. Very remarkably, these vacancies also enabled us to recruit Mr. Clement Joseph. Mr. Joseph had previously given outstanding service in ODPP as a Senior Prosecutor and now serves at a higher position of Principal Public Prosecutor. As an accomplished Prosecutor, former soldier,

former police officer and regional police trainer, Mr. Joseph has key leadership and prosecutorial role to play as the current Head of the newly established Organized and Serious Crime Unit in ODPP. We are happy to have him and Mrs Hatmin, back in the Public Service of TCI. We also welcome to ODPP, Ms. Alima Alexis and Ms. Tassja Mitchell, Public Prosecutors and Kendrea Gelcius, Admin. Assistance. They were all recruited to fill normal vacancies in ODPP.

***The Restructured ODPP.***

12. My Lady, (before leaving *Our People* as a sub topic in this Speech), may I mention a major institutional development in ODPP last year. To discharge our prosecutorial mandate more efficiently and effectively, the ODPP was restructured and rolled at the beginning of this current Financial Year. The restructuring has 3 major features:

The first was the establishment of the post of Director of Business Operations – a post holder is to oversee the daily operation of ODPP, including linkages with criminal justice stakeholders.

The second feature was the establishment and launching of the Victims and Witness Support Unit (VWSU) – a collaborative initiative of the Criminal Justice Stakeholders Group. You graced us with your presence at that launch and brought inspiring remarks.

13. Ms. Anne Marie Thompson (a lawyer and corporate manager) was recruited last year to fill the new post of the Director of Business Operations with additional responsibility to oversee the operations of the VWSU.

14. In terms of update on the VWSU, may I quickly say that Ms. Thompson and her team have pursued institutional and public awareness, receiving positive responses and tremendous support for the VWSU. The Judiciary staff have been so helpful as victims and witnesses take their quick familiarization tour of the Court environment the VWSU Officers. Consequently, already a number of victims and witnesses of crime have been assisted through the Unit to navigate

through the criminal Justice system with more confidence, less stress, anxiety and fear. The private and public sectors are being more sensitized to the needs of victims and witnesses of crime. In fact, the TCI Community College, in collaboration with VWSU, have recently included studies in victimology in their Criminal Justice curriculum. Ms. Thompson and her Administrative Team, have quickly become the strategic life wire in the daily operations of the ODPP and I am grateful for their passion and resourcefulness.

15. My Lady, may I also quickly place on record that the VWSU at ODPP, although concerned with victims and witnesses of crime, does not offer Witness Protection Service. This is a more technical and sensitive Programme which the Police largely manages, being technically equipped to do so. I can confirm now that the legislative and policy framework for Witness Protection Programme in TCI are currently being worked on by the Police in consultation with my office and ably assisted by the AG Chambers.

### ***Our Partners***

16. Two institutional platforms are foremost in this regard - The Criminal Justice Stakeholder Group (CJSG) which meets every month and the Judiciary- Bar – ODPP – Police forum, with quarterly meeting. These platforms provide the forum for peer and institutional cooperation, collaboration and accountability in a professional, respectful, and candid manner, while maintaining our independence of each other. The critical importance of these two platforms, in achieving an effective and efficient criminal justice system cannot be overstressed.

17. My Lady, you chair these institutional platforms and so, in the interest of time, I will leave it to you, to highlight the workings, milestones achieved, and the challenges of these institutional platforms, if you are so minded on this occasion. Suffice it to say (and I make bold to do so) that, the existence of these platforms is one of the best things that happened to the TCI criminal justice

system. Another best thing is the fact that you chair these platforms with your strong, inclusive, result-oriented and visible leadership. I am sure you would have heard or have been contacted, as some of us have, by our regional colleagues on how to establish such safe and collaborative platforms in the way and manner they have operated in TCI.

18. A recent event demonstrates how these platforms work, with gratitude to you. Following the passage of a sleigh of Ordinances, in response to the upsurge in gun and gang related murders and serious crimes, I reached out to you on the need for criminal justice stakeholders especially the Prosecutors, the Police, the Criminal Bar to receive immediate training on these Ordinances, especially the Interception of Communication Ordinance and the Anti-Gang Ordinance which are novel legislative schemes in TCI.

19. Your response was swift and positive. In less than a month, through the Judicial Education Institute which you also Chair, you arranged for this requisite training to be offered, using local and regional resource persons. The training was attended by a cross section of our colleagues involved in the administration of criminal justice in TCI, including the Criminal Bar, the Prosecutors, the Police and the Judiciary. In deed we were honoured with the presence of the Acting President of TCI Court of Appeal, Hon Justice Adderley. It was successful!

20. My Lady, I am not for one moment, saying that by reason of the existence of these platforms alone, we have achieved our shared objective of an effective and efficient Criminal Justice System (CJS). No! if anything, these platforms and their associated initiatives are simply, foundational framework upon which we can and are building towards achieving an effective and efficient CJS. (e.g. The Criminal Procedural Rules). I am extremely grateful to the constituent members of the CJSG and the Judiciary-Bar-ODPP - Police Forum for their relentless commitment and dedication to ensure we realize this our shared objective.

21. Permit me to record again this year that ODPP is not only a founding member of these platforms, but a committed and active participant in the several judiciary-led and CJSJG initiatives under your sterling leadership as the Chief Justice. My ODPP Colleagues, past and present, have continued to give outstanding services through these initiatives, as evidenced in their work in the Criminal Procedure Rules Committee; the Bail Committee, the Sentencing Committee, TCI Legal Information Institute, etc. Some are already trained as Restorative Justice Practitioners. Ms. Tamika Grant, Senior Prosecutor is still the Editor-in-Chief of the CJSJG Newsletter, *the Justitia*.

22. They are equally active participants in the initiatives of the other stakeholders especially the TCI Bar Association as evidenced in the mentoring/coaching roles they played at the last National Moot Court Competition, not to mention their involvement in the free legal clinics programmes of the Bar. I am proud of their sterling contributions to the advancement of the criminal justice through these avenues.

23. May I also extend much appreciation to external prosecutors who have lent us their rare expertise and weight of experience, *at no cost*, while still rendering outstanding services to their special prosecutorial assignments. Again, Mr. Andrew Mitchell, K.C. and his SIP Team readily comes to mind. They have continued to provide unwavering support and assistance in our professional development efforts through specialized training and mentoring. Mr. Quinn Hawkins (an SIPT member) at no cost to TCIG, with limited admission, led the successful prosecution of a highly dangerous and double-murderer, Christopher Forbes, who was convicted and sentenced to two whole life imprisonment. Last December, through his Chambers in London, and at no cost to TCI, Mr. Mitchell K.C. assisted by our Senior Prosecutor, Ms. Tamika Grant, represented me and the Crown at the Privy Council in London in the



murder appeal matter of *Malik Cox vs Rex* for which Judgement has been reserved.

***ODPP Engagement with the Police (Other LEAs)***

24. The ODPP and the RTCIPF (and indeed other Law Enforcements Agencies like the Immigration, customs, integrity Commission, etc ) are independent one from the other. However, in the practical out-workings of our respective roles in the criminal justice system, we are critical and indispensable strategic partners. We must engage and leverage this critical partnership to the benefit of the criminal justice system. Largely for this reason, the current COP, myself and our respective Teams formulated the ODPP-RTCIPF Case File Preparations Policy, that standardizes the case file content and quality for effective and efficient discharge of our investigative and prosecutorial functions.

25. The COP and I had thought and are still optimistic that this policy will be the game-changer in the way we do business as key and strategic criminal justice partners. Regrettably, effective implementation of this policy, is taking longer time than we had expected. This has continued to negatively impact the final outcome of our investigative and prosecutorial efforts. But the institutional challenges we face here are human-made; they are fixable, and must be fixed by us. Consequently, in consultation with and the support of the COP and his Dep COP, I have caused a Task Force to be set up. Chaired by ACP Grant with Dep DPP, Dr Brooks as the alternate Chairperson, the Task Force is to get to the root of this problem and to report with actionable recommendations, not only to COP and myself but, as permissible, to the CJSG.

26. Of course, there are other areas of solid and result-oriented cooperation and engagement with the Police. (For example, under relevant MOUs, we are working together, to ensure the robust reporting of Money Laundering, Terrorism Financing and Proliferations offences and are vigorously pursuing parallel investigations, asset, tracing and confiscations.) Last year alone, the

ODPP hosted and resourced more than 7 training and workshops sessions for the Police, Immigration, Planning and DECR Officers to assist with their technical capacity building efforts.

### ***Our Work***

27. The criteria for measuring the effectiveness and efficiency of a Prosecutorial Agency like the ODPP is as difficult and it is misunderstood even by well-meaning assessors. The rate of convictions and acquittal/dismissal have become misleading criterion, for it underplays the impact of the work and activities of other critical human and institutional players in the criminal justice system. While the conviction/acquittal/discharge rate may more reflect the state of the criminal justice system, it can hardly be used to assess the effectiveness of a Prosecutor, whose primary focus and aim is not to seek conviction at all cost but to act as a minister of Justice.

28. Against this backdrop, I present a summary of our case Statistics that now follow (with caveat I will mention at the end):

(a) Approximately 219 cases passed through the Magistrate Courts in 2022. Out of this number, 185 convictions (or 84% conviction rate) were recorded. Offences involved include Drugs, Burglaries, Wounding and Assault Occasioning Actual Bodily Harm, theft, Immigration, Fisheries and other miscellaneous Offences.

(b) Out of 66 Supreme Court Cases disposed of, there were 50 convictions (arising from either guilty pleas by the defendants or return of guilty verdicts by the judge or the jury). This represents 76% conviction rate. 7 not guilty or simply dismissed were recorded; 16 cases were withdrawn or 24%. Offences involved include: 1 Attempted Homicide; 8 Rape and related sexual offences; 2 Forgeries; 5 Wounding with intent and other offences against the Persons; 18 Firearm and Ammunition Offences ;12 Drugs Offences;

(c) There were 3 Appeals to the Court of Appeal, two (Firearms Offences) of which were dismissed and one (murder) that was allowed;

(d) There was one murder appeal to Privy Council and in respect of which the judgment is being awaited.

29. My Lady, the staff of the ODPP and Judicial Administration are working together to harmonize these case statistics especially in relation to January to March of 2022 which we have not included in this presentation. Once completed, further and better details of these statistics will be available in the ODPP website.

30. Notwithstanding the impact of other institutional partners and the above statistical information, I remain of the view that my colleagues and I must continue to press against all odds to deliver a prosecutorial service of the highest standards. We are still not there yet. However, it is a goal we have resolved to pursue more robustly and vigorously this year, bolstered hopefully by more resources in ODPP, the Police and the Judiciary in the next financial years. This will be complimented by the completion, before the end this financial year, of 3 critical and enabling policies – that will address issues of Disclosure, Sufficiency Hearing, and Plea Bargain.

***Post Script - Discrete Matters***

31. The third feature of the restructured ODPP is the creation of the Organized and Serious Crime Unit. This initiative was brought forward and implemented following the upsurge in gun and gang - related murders and other serious crimes late last year. It is one thing to establish a Unit like this, but another thing to equip it with the necessary technically skilled staff and other expenditure associated with the effective discharge of the Unit's mandate. In this regard, may I purse to express my profound gratitude to HE, the Governor, the Deputy Governor and their offices for providing me the added impetus to fast forward the establishment of this Organized and Serious Crime Unit.

32. At the height of the upsurge and while support and assistance were rolling in for the Police, the Governor reached out to me, not once but twice, with the question, DPP what help do you need? He indicated, and rightly so, that the support for police was coming in, but the result of their work will largely end up in my office in terms of Prosecution. I knew that too well. How can I and my office support you in this regard, he inquired. I gave him my shopping list for more senior and technically skilled Prosecutors. Inevitably, I included in that list the need for specialized investigative resources for the police on a longer term basis to allow for the culture of technical and professional excellence in investigations, to be embedded and of course for skill's transfer. I also did not forget to indicate that an extra judge (especially for the Criminal Court) was now over-due for the TCI judiciary in the prevailing circumstances. My Lady, I later became aware that you also separately and independently made similar requests.

33. I am optimistic that, with the funding support of TCIG (of which I am also confident), every request in our shopping lists will be met come the next Financial Year. In relation to ODPP, there will be 3 new posts established - one more post of Principal Public Prosecutor (bringing them to 2) and two more Senior Public Prosecutors bringing them to 5. This is good and great news for the ODPP and indeed for TCI criminal justice system.

34. As I close, this motion-supporting Speech, may I say a word of profound gratitude to my Dep DPP, Dr Angel Brooks, who has rendered outstanding service as a Prosecutor in all her career as a lawyer these last 21 years; and as Deputy DPP for the last 10 years. She has gone through storm and fire, as I know a bit of her career story in ODPP. Others would have given up and jumped ship; but she has remained in ODPP like the proverbial rock of Gibraltar. Having mentored her these last 4 years, plus one, I want to acknowledge and salute her teachable spirit, her courage, perseverance,

integrity, strength of character and above all, her love for God and Mankind, especially her family and her country. Thank you, Dr Brook!

My Lady, I so move in support of the motion for the Opening of the Legal Year, 2023 and I am indeed grateful for your over – indulgence.....just for today.

Eugene Otuonye, K.C.  
Director of Public Prosecutions  
*4<sup>th</sup> January 2023*