

ORGANISATION OF AMERICAN STATES

(Mechanism for the implementation
of the Inter-American convention
Against Corruption – MESICIC)

**OFFICE OF THE DIRECTOR
OF PUBLIC PROSECUTIONS (DPP)**

Objectives

The DPP'S office aims through the fair and fearless prosecution of criminal offences to ensure that justice is done that the guilty are punished, the innocent exonerated and that the public maintains confidence in the criminal justice system. The DPP seeks to ensure that each accused receives a fair trial within a reasonable time as guaranteed by the Constitution of Grenada.

Functions

- The primary function is to fulfill its constitutional mandate as the principal public prosecution service for Grenada.
- The DPP's Office conducts all criminal prosecutions in the Supreme court, the court of Appeal, the Privy Council and selected matters in the Magistrate courts.
- Exercises supervisory/advisory role in relation to the prosecutorial arm of the RGPF, and generally advises and guides the RGPF on all legal matters pertaining to the investigation of crime.

Structure

- The DPP's Office is headed by the Director of Public Prosecutions, Mr. Christopher with two (2) prosecutors (Crown Counsel) reporting to him and two support staff members.
- Administratively, the DPP's Office falls under the Ministry of Legal Affairs, though in the constitutional arrangement, it is an independent office, not subject to the Executive, Legislature or Judiciary and insulated from political influence and/or control.

Prevention, Detection and or Eradication of Acts of Corruption

- DPP's Office is not an investigative, oversight, regulatory or punitive agency. It performs within the ambit of its constitutional and other statutory powers. It works closely with the RGPF, FIU, Customs Department and other law enforcement agencies and stakeholders in the criminal justice system.
- If breaches of the law in relation to corruption are identified (see for e.g. Title XXVIII Criminal Code (Sections 392-406) and persons or public bodies are charged then the DPP prosecutes.
- DPP's Office also advises on the legal matters and provides guidance thereon in relation to investigations.

PANEL III 8:30-10:30 A.M.

Scope of spheres of competence and inter-institutional co-ordination mechanisms

- DPP's Office conducts all criminal prosecutions inclusive of all indictable criminal offences under the criminal code, as well other offences under the laws of Grenada such as extradition, drugs, proceeds of crime et cetera.
- Works closely with all the arms of the RGPF, FIU, Customs Dept. and regional/international partners such as the Eastern Caribbean Supreme Court, JCF, RBPF, Interpol, New Scotland Yard etc. as well as regional DPP's. DPP's office has a network of local, regional and international personnel/partners.

Adoption of Decisions

- Please clarify/elaborate ?

Appointment of its personnel and training

- The Director is a creature of the Supreme Law and is appointed by the GG acting in accordance with the advice of the Judicial and Legal Services Commission (Section 86 (1) Constitution).
- Legal Officers in the DPP's Office are appointed in the same manner as the DPP.
- The DPP and his legal officers must be trained

Lawyers and qualified to practice law in Civil and Criminal matters within any jurisdiction in the Commonwealth.

- A minimum of 5 years is needed for the DPP.
- DPP and Legal Officers would have been trained in the practice of law. (Degree phase – Law School phase)
- Also continuing Legal Education/Seminars/Courses/Training Workshops both overseas and locally (New Scotland Yard/Proceeds of Crime examples

In-house rules for the performance of its duties

- Crown Prosecutors are guided by the ethics of the legal profession which are Judge made rules or conventions.
- By its obligations as an officer of the Court.
- By its duties/obligations as prosecutors as established over centuries at Common law by the Judges.(e.g. Prosecutor is a minister of justice).
- By the Code for Prosecutors in Grenada and the Public Service Commission rules.

Dissemination of its objectives, functions and activities

- DPP addresses the media as required/necessary in matters of public interest/concern.
- Assizes are fixed by law 3 times yearly, DPP addresses the public at Opening and Closing of Assizes (January/April, May/July and October/December).
- Provides a Report which is made available to the media and all stakeholders and often does a media interview to inform the public on the Assizes.

Internal Control Mechanisms

- Quarterly meetings with DPP in relation to the Assizes and progress of matters.
- DPP vets all opinions dispatched to the RGPF etc.
- DPP consults with Crown Counsel, advises and guides Crown Counsel and staff on the more technical/difficult areas of criminal law/practice.
- Ad hoc meetings as are required/or when the need arises.
- Staff, Crown Counsel and DPP share a close working relationship that facilitates open, frank, constructive discourse in all matters.

PANEL IV 10:30 a.m. – 12 noon

Accountability Mechanisms

- Crown Counsel and Staff report directly to the DPP.
- DPP “unofficially” reports to the M.O.L.A. through the Attorney-General.
- Senior Management Board meetings Heads of all the Public Services meet together with the Cabinet Secretary.
- DPP’s Office enjoys a good rapport and relationship with the Media and the public.
- DPP operates an “open door” policy members of the public attend/call at any time to air concerns or discuss issues concerned with the Office and its performance.
- DPP also appraises the performance of his legal officers periodically for the Department of Public Administration.

- Lastly decisions of the DPP are subject to Judicial Review by the Supreme Court (*quis custodiet ipsos custodes*) (see *Marshall v DPP* [2007] UKPC 4 per Lord Carswell) (Mother of a man fatally shot by the Police in Jamaica sought judicial review of the decision of the DPP not to prosecute).

Results in relation to the performance of its duties

- DPP's Office has performed effectively and efficiently in carrying out its mandate.
- Conviction rate in Grenada well over 80%
- Major crimes 2009-2013 – Murders - 24, Rapes – 39 & Fraud - 16 were completed of which conviction rate exceeded 80%
- The RGPF actively acts on the advise/requests of the office of the DPP in improving the quality of its investigations.

Difficulties meeting its obligation

- Generally could be an improvement in terms of the financial allocation to the DPP.
- Improvement needed in the access recent legal literature and material.
- Continuing legal education and training.
- Increase in Judicial Officers and staff.
- Generally speaking, the DPP's Office has by and large met and fulfilled it's obligations, working with the tools are available.(e.g. Accessing legal material on-line (West Law/British and Irish Legal Institute -Bailii sites)

Information on best practices and technical co-operation needs

- Formerly DPP's decisions/functions in prosecuting was guided by the United Kingdom's Code for Crown Prosecution Service. On 7th January, 2013 Grenada adopted a Code for Prosecutors.
- This Code governs, inter alia, best practices in all aspects of prosecuting, Ethics, Bail, Young offenders, Victims, Witnesses, the Media & Police Investigations.
- Technical cooperation needs: Move now on piloted by the AG to have video recording of all suspects interviewed for serious crimes

- Training/seminars/workshops/lectures conducted with RGPF, since it is a truism that if the matter isn't investigated properly then the prosecution will likely fail.
- Technical cooperation needs: Move now on piloted by the AG to have video recording of all suspects interviewed for serious crimes.
- Forensic laboratory needed in Grenada since material from crimes scenes must be sent to either Barbados, Trinidad and Tobago or the United States for analysis.

- Continued cooperation, sharing and networking on criminal law and justice issues from our regional and international partners so that the response and effectiveness in combating crimes such as corruption, financial crimes, drugs (crimes that are multi national/cross border) can be enhanced.

Respectfully presented

HOWARD PINNOCK
SNR. CROWN COUNSEL