



**SAINT CHRISTOPHER AND NEVIS
OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS**

PRESS RELEASE

- 1) The Office of the Director of Public Prosecutions (ODPP) can make recommendations to the Royal Saint Christopher and Nevis Police Force (RSCNPF) and other Law Enforcement Agencies to prosecute individuals, or if there is insufficient evidence to mount a viable prosecution, advise them accordingly. The RSKNPF nevertheless retain primacy of decision-making in whether to arrest, charge and place any matter before the court.
- 2) The decision to charge for a criminal offence is part of the investigative process. Her Majesty's Privy Council in the case of *The Commissioner of Police & Attorney General of Antigua v Steadroy Benjamin [2014] UKPC 8* made clear that the Director of Public Prosecutions (DPP) cannot instruct the Commissioner of Police or his investigators not to institute criminal proceedings against an individual. However, the DPP could make such a request, in such instances the police should act cautiously before deciding to reject such a request.
- 3) The ODPP is not an investigative body and cannot instruct the police not to charge an individual. Any suggestion, or belief that the DPP can prevent the police from arresting, charging, or placing anyone before the court is simply misconceived. As DPP, I AM NOT "the Competent Authority" to decide whether the Honourable Lindsay Grant should be charged with obstruction, assault and battery offences. That is simply a matter for the police, and are offences, which they charge daily without my input. There are some specific offences, where my written consent is required before the police can charge an individual. The allegations against the Honourable Lindsay Grant does not fall within those categories of offences.
- 4) In keeping with the ODPP's role to support the RSCNPF in their investigation of criminal offences, today, in a written opinion, I have advised Commissioner of Police, Mr. Hilroy Brandy on the merits of prosecution in the matter involving the Honourable Lindsay Grant and three police officers, which took place on January 8, 2022. It is now for the Commissioner of Police to decide whether to act upon my advice. It is and has always been within the powers of the police whether to charge Mr. Grant. It is not and was never a matter for my determination.

Valston M. Graham
Director of Public Prosecutions
February 17, 2022