



Alric Lindsay <alric.lindsay@gmail.com>

RE: Re: Re: FW: FOI Request: Decisions Not To Prosecute

1 message

Davis, Simon <Simon.Davis@gov.ky>

Wed, Nov 27, 2024 at 5:18 PM

To: Alric Lindsay <alric.lindsay@gmail.com>, "McCarthy, Alliyah" <Alliyah.McCarthy@gov.ky>

Cc: "FOI.DPP" <FOI.DPP@gov.ky>, "Davis, Simon" <Simon.Davis@gov.ky>

Dear Mr Lindsay,

I hope you are well.

I have been included in your correspondence. Reducing the time period from 2017 to 2024 to 2022 to 2024 would limit the amount of time and resources.

However, this would still be a mammoth job and, for the same reasons as set out by my colleague Ms McCarthy, we are unable to assist with this request.

Kind Regards,

Simon

Simon Davis

Director of Public Prosecutions

P.O. Box 2328, KY1-1106 | 2nd Floor, Bermuda House, Dr. Roy's Drive, George Town, Grand Cayman.

1 (345) 949-7712 (**Main**) | 1 (345) 244-4554 (**Direct**) | 1 (345) 922 7712 (**Mobile**)

From: Alric Lindsay <alric.lindsay@gmail.com>

Sent: 27 November 2024 08:22

To: McCarthy, Alliyah <Alliyah.McCarthy@gov.ky>

Cc: FOI.DPP <FOI.DPP@gov.ky>; Davis, Simon <Simon.Davis@gov.ky>

Subject: [EXTERNAL] Re: Re: FW: FOI Request: Decisions Not To Prosecute

Dear FOI Manager,

If the request is too broad for the DPP to comply with, please provide the records for the period 2022 to 2024. Failing this, I will make the usual application to the Ombudsman.

Kind regards,

Alric Lindsay

On Tue, Nov 26, 2024 at 1:29 PM McCarthy, Alliyah <Alliyah.McCarthy@gov.ky> wrote:

Dear Mr. Lindsay,

Thank you for your FOI request regarding the number of cases that the DPP decided not to prosecute from 2017 to 2024.

Please be advise that pursuant to s9 (c) of the Freedom of Information Act (2021 Revision) to provide the requested information would unreasonably divert the department's resources for the following reasons:

1. The ODPP receives 2,500 annually to rule on.
2. A proportion of those cases will be decisions not to proceed because of insufficient evidence or for public interest reasons: these would involve decisions not to prosecute.
3. Cases which go to court are subject to continuous review and some may be withdrawn before getting to a jury/judge for determination: these also involve decisions not to prosecute.
4. Indictments/charges sheets will include numerous offences and decisions may be made to accept alternative charges : these also involve decisions not to prosecute.
5. To compile a list from 2017 to 2024 is too wide even if we started the process, resources would take weeks.

Kind regards,

Alliyah McCarthy

Information Manager

From: Alric Lindsay <alric.lindsay@gmail.com>
Sent: Monday, 4 November 2024 4:43 pm
To: McCarthy, Alliyah <Alliyah.McCarthy@gov.ky>; FOI.DPP <FOI.DPP@gov.ky>
Cc: Davis, Simon <Simon.Davis@gov.ky>
Subject: [EXTERNAL] Re: FW: FOI Request: Decisions Not To Prosecute

Dear FOI Manager,

Good afternoon.

Presumably, the DPP keeps good records and would have maintained a list of matters where a decision was made not to prosecute and the reason why.

In the circumstances, it appears that this exercise should require minimal resources and there is no need to reformulate the request.

If your decision remains the same, please confirm whether an internal review is possible as I do not know whether a chief officer was involved in the request.

If an internal review is unavailable, I will submit an appeal to the office of the Ombudsman.

Thanks again.

Kind regards,

Alric Lindsay

On Mon, Nov 4, 2024 at 4:27 PM McCarthy, Alliyah <Alliyah.McCarthy@gov.ky> wrote:

Thank you for your attached FOI request.

Your FOI request has been reviewed and it has been determined that to provide the information requested would unreasonably divert resources. See section 9 (c) of the Freedom of information Act (2021 Revision).

If you could reformulate your application perhaps we can identify the records you are researching and provide the information.

Kind regards,

Alliyah McCarthy

From: Alric Lindsay <alric.lindsay@gmail.com>
Sent: Monday, 7 October 2024 8:00 am
To: FOI.DPP <FOI.DPP@gov.ky>
Subject: [EXTERNAL] FOI Request: Decisions Not To Prosecute

5/20/25, 5:21 AM

Gmail - RE: Re: Re: FW: FOI Request: Decisions Not To Prosecute

Dear FOI Manager,

Please see the attached FOI request.

Kind regards,

Alric Lindsay