

**11<sup>h</sup> ANNUAL NATIONAL  
PROSECUTORS' CONFERENCE**

**SATURDAY, 24 APRIL 2010  
DUBLIN CASTLE CONFERENCE CENTRE**

*James Hamilton*  
Director of Public  
Prosecutions

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*Opening Address*

I would like to welcome you all to our 11<sup>th</sup> annual conference. I am pleased to say that 260 people have registered for this year's conference. This is a record number of registrations. So I hope this is a sign that you all find the conference useful.

As in previous years we have decided to use the conference to address a number of different topics rather than having a single theme. I think this has worked well in the past and I hope you will find it interesting today.

Dr. Sheila Willis, Director General of the Forensic Science Laboratory is our first speaker this morning and is well known to most of you.. Her professional career has focussed on how science can be used to investigate crime and assist in the administration of Justice. She considers that forensic science encompasses the entire process from crime scene to court and wants to see the efforts of the staff of the laboratory used in cases where their scientific and technical expertise makes a difference. Dr. Willis has appeared as an expert in many cases. She is speaking this morning about the potential and the limitations of forensic science evidence.

Our second speaker, Remy Farrell, is also well known to most of you having been in practice at the Bar since 1998 and having prosecuted since 2002. His paper is entitled "Prosecutors, Regulators, Trial by Jury and the Prosecutor's Discretion". The events of the last few years have highlighted the importance of regulation particularly in the financial sector.

I think you will find his paper very thought-provoking and a welcome contribution to debate in an area which is not often enough discussed, and I hope it will provoke a good discussion. Without anticipating too much of what he will say, I would like to make one or two comments on this subject. I think we should be very slow to depart from the arrangement whereby the single agency of the DPP's Office is responsible for prosecuting all indictable crime. Secondly, I think it important to emphasise that this Office enjoys very close working arrangements with the major regulators who investigate crime and prosecute summarily, including the Revenue Commissioners, the Health and Safety Authority, the Competition Authority, and the Director of Corporate Enforcement, most of whom are represented at this conference. When this Office prosecutes on indictment in matters pertaining to a regulator's function it does so in close conjunction with the regulator and while in principle it is true that I have the final say in decisions such as, for example, whether to accept a plea, such decisions are made only after the fullest consultation with the regulator concerned. I personally can recall very few instances in my 10 years as DPP where ultimately I made a decision which the regulator in question was not happy with.

As part of this consultation process my Office is conscious of the distinction between regulatory offences and the core criminal law and would take into account the role of the regulator and the purpose of the regulatory code. The Director's public interest role is, I believe, broad enough to enable this function to be fulfilled. As an example of the Office's sensitivity to the particular role of regulators I could give the example

of our participation in the Cartel Immunity Programme operated jointly with the Competition Authority.

Our final speaker is Detective Inspector Paul Gillen of the Garda Computer Crimes Investigation Unit. I must especially thank Detective Inspector Gillen for stepping into the breach at very short notice to speak at the conference today. You will have seen in the original outline programme that we had invited a speaker from the Crown Prosecution Service to speak on the topic of cybercrime. However, somebody must have provoked the wrath of the ancient Norse gods, for Icelandic fire and volcanic ash interfered with that plan. Detective Inspector Gillen has prepared a comprehensive presentation on the growing area of cybercrime.

I would like to thank our speakers in advance of hearing their papers. It is very generous of them to give up their time to prepare their papers, come to the conference and make themselves available for questions.

There are a few other things that I think I should mention. In the last year there have been a number of changes at a senior level within the organization and within the state solicitor service. Michael Liddy who had worked in the Office since its creation retired as Director of Casework during the year. I want to acknowledge his hard-working and loyal service during a distinguished career most of which was spent working in this Office. During the year two state solicitors retired, Gerry Daly from Louth, and Judge Seamus Hughes from Mayo, who has been appointed to the bench. I want to thank them also for their excellent service over the years.

Three significant appointments were made, all following open competition. Claire Loftus, who was formerly the Chief Prosecution Solicitor, has been appointed to replace Michael and take on an expanded role within the Directing Division. Claire's new title is Head of the Directing Division. Eileen Creedon has been appointed to succeed Claire as Chief Prosecution Solicitor and Vincent Deane was appointed as the new state solicitor for Mayo.

Last year saw a number of important developments for the Office. These include the opening of the new Criminal Courts of Justice. With its state-of-the-art facilities we can anticipate interesting developments in the presentation of cases in the future. During the year we signed off on a Case Management System providing the Office for the first time with a single IT system of case management for the whole office. Last year also saw responsibility for sea fisheries prosecutions transferred from the Attorney General to this Office.

The next few years will be difficult ones for this Office along with the country as a whole. It is of course the case that there is a pressing requirement for all public sector organizations, particularly in current circumstances, to examine critically how they operate and to seek to deliver greater efficiencies. In common with other public sector bodies, we must now do more with fewer resources. However, I welcome the fact that there appears to be a real awareness of the essential nature of the work done by this

Office and of the relatively limited scope for cutting the expenditure of the Office without significantly reducing the service which it provides. There appears to be an understanding that a reduction in the services we provide is not a viable option. There is also an understanding that most of the expenditure of the Office is essentially demand led in the sense that we do not have control ourselves over the level of crime or the number of prosecutions we must bring.

In this connection I welcome the commitment given by the Taoiseach in the Dáil on 20 April that his officials will continue to work with us and with the Department of Finance to ensure that the necessary resources continue to be available to enable me to discharge my duties fully and effectively. To date we have been able to achieve savings and efficiencies in the administration of the Office so as to preserve front line prosecution services and meet the increase in the workload over the past two years without having to increase overall staff numbers. I acknowledge we have been able to do this because of what Taoiseach described as “the solid staffing base that was put in place” in this Office in 2007.

However, the scope for further savings and efficiencies is now extremely limited. Due to the demand led nature of our functions and the increasing complexity of criminal work even if there is some drop-off in overall crime rates I do not anticipate any significant reduction in the volume of work coming to us. Given the major Garda initiatives to tackle gangland crime, together with the ongoing Garda and Director of Corporate Enforcement investigations into allegations of financial irregularities, we must anticipate a significant increase in the burden placed on this Office in the next few years. While the Office is subject to the Government’s decision to restrict recruitment and promotion. I think it is important to note that the McCarthy Report did not recommend staff reductions in the Office. While we have to date been able to continue to operate with existing staffing levels and will continue to endeavour to do so, I am conscious that should we see a significant increase in the complexity or volume of our workload arising from these investigations this will need to be reviewed.

Once again I would like to acknowledge the very positive and committed spirit with which you have met the difficulties over the last year. The Office’s own staff, the local state solicitors, and the barristers who work for us, have all seen significant reductions in their earnings over the past eighteen months, but despite that have continued to provide a loyal and dedicated service for which I want to thank you all.

Finally I would like to thank the staff of Dublin Castle Conference Centre for allowing us to use this wonderful venue. I also want to thank in particular Orlagh Flood and Lorraine McHugh from my Office who have been involved in the preparation and organization of this conference.

And now, I will hand over to Eileen Creedon who will chair the first session of the conference.