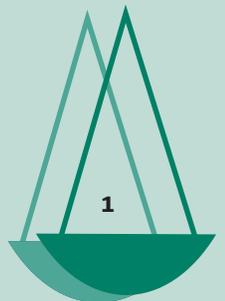


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1 Foreword

I am pleased to introduce the Strategy Statement of the Office of the Director of Public Prosecutions for 2004-2006. In common with other independent holders of public office I decided not to consent to the application to my Office of the Public Service Management Act, 1997. My reasons for not doing so relate to the need for the office I hold to be and to be seen to be independent of Government. The principles of management set out in the Act will, however, be implemented on an administrative basis.

I welcome the opportunity provided by the publication of the Strategy Statement to set out the challenges and opportunities for my Office over the next three years. The Statement sets out the key objectives which are essential to the provision of an independent, fair and effective prosecution service. More importantly it outlines the strategies which the Office will adopt to enable us to deliver on these objectives and the management issues which we have identified as impacting on the operation of the Office during the lifetime of the Statement.

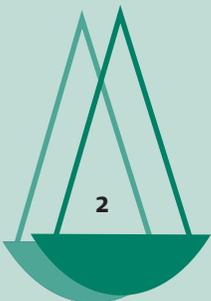
The focus of the Office's concerns continues to develop. The independence of the office of Director was a key reason for its creation. In its early days the Office successfully established and maintained its independence and that independence remains a core value.

In the recent past organisational change has been a major concern, and the completion of the reorganisation of the prosecution service remains a priority. One of the most fundamental changes that occurred during the period of our last Strategy Statement was the transfer to the Office of responsibility for the solicitor service relating to criminal trials in Dublin and the appointment of a Chief Prosecution Solicitor to head the Solicitors' Division which is now an integral part of the Office. This major re-organisation took place in order to facilitate a more streamlined prosecution service. We are fully committed to working towards a more integrated prosecution service and in this context I look forward to the completion of the transfer to me of responsibility for the local State Solicitor service dealing with criminal trials outside Dublin during the lifetime of this Strategy Statement.

If I had to single out one important issue which needs further attention it would be the relationship between the prosecutor and the victim of crime. This is a most difficult thing to get right. While the prosecutor represents the people as a whole and not the individual victim, and may sometimes have to take decisions which will not be welcome to the victim of a crime, an increasing focus on and concern for the rights of victims means that the prosecutor needs to be more willing to involve the victim of crime in the criminal justice process and to listen to and be aware of his or her needs. How to do this without compromising the principles on which our criminal justice system is built is a major challenge which will face this Office during the period of this Strategy Statement.

James Hamilton

Director of Public Prosecutions



2 Introduction

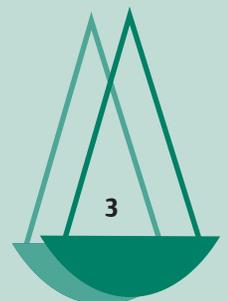
2.1 This detailed statement of strategy defines the major management issues facing the Office of the Director of Public Prosecutions for the three-year period to the end of 2006 and provides a framework for dealing with those issues. It has been prepared in the context of the Government's Strategic Management Initiative.

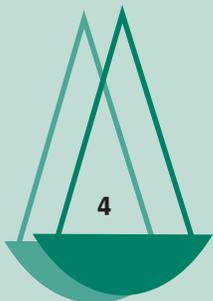
The most significant factors to be taken into consideration in the next three years are:

- The completion of the implementation of the recommendations of the Public Prosecution System Study Group which were adopted by the Government in October 1999. The Group recommended a restructuring of the prosecution service involving the assignment of direct responsibility for the management of the prosecution of all indictable crime in the State to the Director of Public Prosecutions. The outstanding recommendation remaining relates to the transfer of responsibility for the State Solicitor service from the Attorney General to the Director of Public Prosecutions.
- The development, as part of the Management Information Framework (MIF) initiative, of the IT systems necessary to manage the expanded areas of responsibility of the Office arising from the implementation of the recommendations of the Public Prosecution System Study Group. Current systems, many of which are old systems inherited from the Chief State Solicitor's Office, are simply inadequate to the task of managing the expanded remit of the Office.

- The relocation of the Office to a single premises. This is urgently required in order to address the problems caused by the fact that the Office is located in two different parts of Dublin, the Directing Division in Merrion Street, the Solicitors' Division in Abbey Street, and the administration services divided between the two. The current spread of the Office over two locations and chronic overcrowding are impeding the planned organisational integration and having a detrimental effect on the work of the Office.
- Continued implementation of the Civil Service Modernisation Programme including the mainstreaming of the Performance Management and Development System (PMDS), the promotion of the Quality Service Initiative and the continued development of the Partnership process as an integral part of the structure of the Office.

2.2 The full delivery of the objectives set out in this Strategy Statement and the utilisation of many of the performance indicators highlighted herein are dependent upon the development of the MIF systems referred to above. Given the pressing needs for these systems, the Office has set a tight timescale for their development. The target is for these systems to be developed and available within the period covered by this Strategy Statement. Accordingly, while some of the objectives and many of the performance indicators will not be available during the first period covered by this document, the Office is of the opinion that they should nevertheless form part of this Strategy Statement.





3 Mission Statement

3.1 The mission of the Director of Public Prosecutions and his Office is:

“To provide on behalf of the People of Ireland a prosecution service which is independent, fair and effective”.

3.2 The People: The Constitution of Ireland provides that crimes and offences are to be prosecuted in the name of the People. It is central to the role of the Director and his office that prosecutions are brought on behalf of the People.

3.3 Independence is a core value of the Office. The Prosecution of Offences Act, 1974, established the office of Director of Public Prosecutions as an independent office. The need for the prosecution service both to be and to be seen to be independent was a key reason for its establishment. Subject to the Courts, the Director is independent of all other bodies and institutions, including both the Government and the Garda Síochána, and decisions are taken free from political or other influence.

3.4 Fairness is an essential component of a prosecution service in a democratic society. The Director’s Office aims to operate to the highest professional standards and to treat all those with whom it has dealings fairly, equally and consistently without any wrongful discrimination.

3.5 Effectiveness: The Office aims to provide the highest quality service at a reasonable cost. The accounting officer of the Office is accountable to the Comptroller and Auditor General and the Dáil Committee of Public Accounts for its expenditure of public money and for its economy and efficiency in the use of its resources.

4 Environmental Context

4.1 Introduction

4.1.1 The environmental context in which the Office of the Director of Public Prosecutions operates is currently one of considerable change. Like all public bodies it is focusing on the need to provide the highest quality service possible at the most economic cost. In addition to this however the Office is at this time facing change of an unprecedented level. This changing environment and its implications are outlined in this chapter.

4.1.2 The challenges posed by the changing environment in which the Office must now operate are outlined under the headings of:

- Public Prosecution System Study Group;
- Changes in the legal environment;
- Relationship with other agencies;
- Implementation of the Strategic Management Initiative.

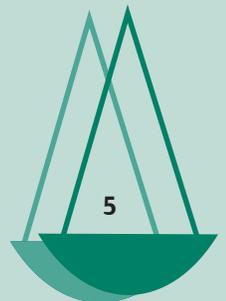
4.2 Report of the Public Prosecution System Study Group

4.2.1 The Government decision to accept and implement the findings of the Public Prosecution System Study Group had an immediate and profound effect on the organisation of the Office. Two of its main recommendations involved the transfer of the criminal prosecution functions of the Chief State Solicitor, and responsibility for the administration of the local State Solicitor service, to the Office of the Director of Public Prosecutions. The latter recommendation remains to be implemented.

4.2.2 The transfer of the criminal prosecution functions of the Chief State Solicitor was completed on 3 December 2001 with the appointment of the Chief Prosecution Solicitor and the formal transfer of staff from the Chief State Solicitor's Office. These transfers and the additional recruitment of legal and support staff required to deal with the expanded remit of the Office (the management of the prosecution of all indictable crime tried in Dublin) saw the Office expand from one of less than 40 staff to one of more than 170.

4.2.3 Two significant management issues arise from the transfer of the criminal prosecution functions of the Chief State Solicitor. The first is that the IT systems available to the Office are simply not adequate to the task of managing its expanded responsibilities. Acquiring the necessary IT systems is therefore a priority. Much work has been completed with regard to this within the context of the Management Information Framework (MIF) initiative. The management information needs of the Office have been identified and documented. Funds have been secured for the development of an IT strategy and work on this strategy is at an advanced stage. Funds have also been secured to commence the development of the necessary IT management information systems and the indications are positive that the necessary funds to complete this project will be made available.

4.2.4 The size of this IT project is such that it is likely to be 2006 before it is completed. Its successful completion, which is dependent upon the necessary funding being made available, will greatly enhance the ability of the Office to effectively manage its expanded remit.



4.2.5 The second significant issue which arises from the transfer of the criminal prosecution functions of the Chief State Solicitor is the need to acquire a single new headquarters building capable of accommodating all staff of the Office. In order not to delay the transfer of the criminal prosecution function it was necessary to locate the staff transferring from the Chief State Solicitor's Office, and many of the new support staff, in a second building. This splitting of the Office over two locations combined with overcrowded and unsuitable working conditions is having a detrimental effect on the work of the Office.

4.2.6 In order to reduce the chronic overcrowding, improve communications between the component parts of the Office, reduce unnecessary duplication and to provide enhanced support services for all legal staff it is essential that the Office be relocated in a single building. It had been hoped that this might have been achieved during the currency of the last strategy statement. Unfortunately this was not the case. It remains an urgent objective of the organisation.

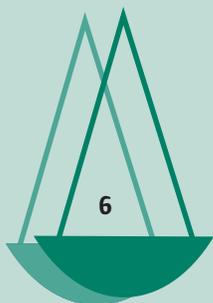
4.2.7 The outstanding recommendation of the Public Prosecution System Study Group of transferring responsibility for the local State Solicitor service from the Attorney General to the Director of Public Prosecutions is dependent upon amending legislation being passed. It is expected that this will be achieved during the first year of this Strategy Statement.

4.2.8 This transfer offers significant potential for the more effective management of prosecutions. Achieving this potential however will not only require the development of the necessary management structures within the Office of the DPP but will also require that the IT management information systems to be developed encompass the management of the local State Solicitor service.

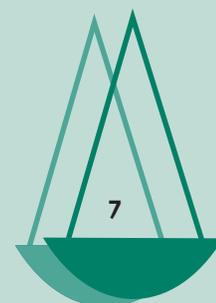
4.3 Changes in the Legal Environment

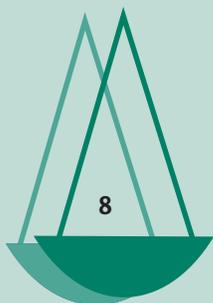
4.3.1 There has over the last decade been a significant increase in the complexity of the legal environment in which the Office operates. The principal factors involved are the increasing number and complexity of Acts of the Oireachtas, the creation of new investigating agencies, the greater concentration of resources by established agencies in the investigation of crime, developments in the courts and the greater emphasis being placed on the position of victims within the prosecution system.

4.3.2 Changes in the criminal law have always been a feature of the environment in which the Office of the DPP operates. It is anticipated that this will continue during the period covered by this Strategy Statement. Indeed it is to be noted that a Government appointed group is currently considering the codification of all criminal law. The implications of the enactment of the European Arrest Warrant Bill in 2004 together with the anticipated conclusion of EU/US Treaties on Mutual Legal Assistance and Extradition will also have a significant impact on the Office.



- 4.3.3** Developments in the law at international and European level to combat organised crime particularly in the areas of money laundering, drug trafficking and trafficking in human persons are likely to lead to an increase in the number of such cases which are prosecuted. The adoption of the European Convention on Human Rights into domestic law is likely to have an important impact in the area of criminal law.
- 4.3.4** In the period covered by the last Strategy Statement, the Office had to deal with an increased number of complex and serious crimes. This was partly due to the large number of cases of sexual abuse which occurred many years previously and which have only in the recent past been the subject of criminal complaint. This trend in more serious and complex cases being received is anticipated to continue in the period covered by this Strategy Statement. There is also a tendency for courts to examine cases more minutely with the result that the length of trials continues to increase.
- 4.3.5** An increased awareness of, and concern for, the rights of victims has meant that lawyers dealing with prosecutions must ensure respect for those rights. Considerable work has been done to date to provide information to and liaise with victims. It will continue to be a priority in the delivery of services.
- 4.3.6** The Office has undertaken to review, during the period covered by this Strategy Statement, its policy in relation to the provision of reasons for prosecutorial decisions to victims. Any change in the current policy could have serious implications for the resources of the Office.
- 4.3.7** The seizure of the assets of criminals and the profits and instruments of crime has been demonstrated to be an effective deterrent to the commission of further criminal offences. It is the intention of the Office, during the period covered by this Strategy Statement, to promote effective implementation of the remedies available in this regard.
- 4.3.8** The establishment of the Office of the Director of Corporate Enforcement means that the Office of the Director of Public Prosecutions will receive files in respect of investigations carried out by this Agency in the area of company law. Over time this is likely to become a significant area of prosecution.
- 4.3.9** The Revenue Commissioners have decided to concentrate more resources on the investigation of crime and a number of the Director of Public Prosecution's officers are seconded to the Office of the Revenue Commissioners on a part-time basis to provide legal advice in connection with investigations and subsequent prosecutions.
- 4.3.10** The Competition Authority intends to concentrate more resources on investigations into criminal activity particularly in relation to cartels and price fixing and a cartel immunity programme has been introduced. These developments could result over time in a large body of work being processed by the Office.
- 4.3.11** The ongoing work of the various Tribunals of Inquiry has already led to the receipt of material for consideration by the Director. It is to be anticipated that as these Tribunals progress in their work, further matters will arise for attention by the Director.





4.3.12 The enactment of the Garda Síochána Bill, 2004 will clarify and place on a statutory footing the respective powers of the Director and the Garda Síochána in relation to the prosecution of summary offences.

4.3.13 EUROJUST has been established by the Member States of the European Union to improve cooperation in relation to mutual assistance in criminal matters. A professional officer from the DPP's Office is on secondment to EUROJUST Headquarters in The Hague.

4.3.14 The Report of the Working Group on the Jurisdiction of the Courts (2003) made significant recommendations across the entire criminal justice system in the courts. These include the areas of right to trial by jury, possible change of venue for certain offences, and pre-trial procedures. The introduction of even some of these wide-ranging recommendations will have major implications for how the prosecution does its business.

4.3.15 The law itself has in recent years become more complex, both in its substance and in its procedure. Pre-trial applications, whether by way of judicial review or to the court of trial itself, which formerly were relatively rare, have become common. A greater emphasis on the need to disclose unused material to the defence has increased the demands on all the legal personnel involved in prosecutions.

4.3.16 With the continuing advance of information technology in legal business it is to be anticipated that the operations of the courts will also be further modernised. Currently initiatives such as electronic filing and the 'paperless courtroom' are being explored. As a major user of the courts this Office will have to be technically capable of adapting to new work methods.

4.4 Relationship with other participants in the Criminal Justice System

4.4.1 The recommendations in the Report of the Public Prosecution System Study Group in favour of closer relationships between the various agencies of the criminal justice system were implemented during the period of the last Strategy Statement. During the period covered by this Strategy Statement, the Office will continue to work for greater interaction between itself, the Garda Síochána, the Courts Service and the Department of Justice, Equality and Law Reform.

4.4.2 In discharging its prosecutorial functions, the Office comes into regular contact with many agencies and people. Our commitment to the provision of quality services is set out in our Service Charter and Quality Service Action Plan – both compiled in consultation with those to whom we provide a service.

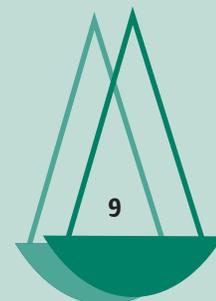
4.4.3 The main external contacts the Office has are with the following:

- The Attorney General, who is advisor to the Government on matters of law and legal opinion, including criminal law, and who has a statutory function to consult with the Director from time to time in relation to matters pertaining to the functions of the Director. The Attorney General also has to consent to certain prosecutions being brought, notably under the Official Secrets Act, 1963;
- The Garda Síochána, who submit investigation files to the Office, act as prosecutors in District Court cases and implement the directions given by this Office in relation to such cases;
- Other prosecution agencies, including the Revenue Commissioners, the Competition Authority, Director of Corporate Enforcement and the Health and Safety Authority;

- Victims of crime who are provided with certain rights and assurances under the Victims Charter which was published in September 1999. Our obligations to victims are further set out in our Service Charter and in Information Guides published by the Office in 2003;
- The Forensic Science Laboratory, the State Pathologists and the Medical Bureau of Road Safety, all of whom provide independent expert evidence in relation to criminal matters;
- The Criminal Assets Bureau, who, acting as a specialised unit of the Garda Síochána, submit investigation files to this Office, and implement the directions given by this Office in relation to such cases;
- Members of the Bar who are instructed to act in criminal prosecutions on behalf of the Office of the DPP;
- The medical profession, psychologists and other witnesses who may be called to give evidence on behalf of the prosecution;
- Suspects, accused and convicted persons and their legal advisers;
- The Courts and the Courts Service;
- The Law Reform Division of the Department of Justice, Equality and Law Reform, which is responsible for reforming the criminal law;
- The Law Reform Commission which is responsible for making recommendations for reform of the criminal law;
- EUROJUST, responsible for coordination among EU prosecutors concerning transnational crime;
- OLAF (Office Européen de Lutte Anti-Fraude) established in 1999 as an operationally independent office to protect the financial interests of the European Communities against fraud and corruption;
- Prosecution agencies abroad;
- International associations of lawyers and prosecutors, including the International Association of Prosecutors, the Heads of Prosecution Agencies Conference, the International Bar Association, and meetings of European prosecutors held under Council of Europe or EU auspices.

4.4.4 In order to provide services to the highest standards, it is essential for the Office to establish and maintain strong working relationships with all these agencies. The efficient operation of the Office depends to a significant extent on the way its staff interact with people and organisations externally involved in its work environment. Considerable progress has been made in establishing comprehensive communications with virtually all these groups. These relationships will be further strengthened and maintained during the period of this Strategy Statement.

4.4.5 The Office does not have a lawyer and client relationship in the strict sense with the Garda Síochána, other investigation agencies, or individual members of the public. Nevertheless it is the policy of the Office that in terms of promptness and standard of response these should be treated as a good law office would treat its clients. Consequently staff are encouraged to be client-oriented, taking in general the type of approach which would be regarded as best practice by a law office in dealing with its clients. The elements of the Quality Service Initiative are central to this approach.

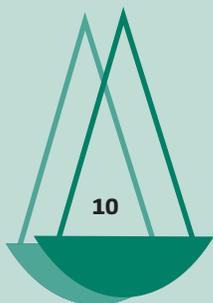


4.5 Effects of the Strategic Management Initiative

- 4.5.1** The Strategic Management Initiative (SMI) has emphasised the need of client organisations and agencies to deliver an efficient and timely service. As organisations develop action plans to improve their performance, greater emphasis is placed in turn on the providers of services, and the development of better communications with the recipients of services becomes necessary. The publication of a Service Charter and a Quality Service Action Plan (2004-2006) by the Office of the DPP in consultation with our client agencies, underpins our commitment to provision of quality service.
- 4.5.2** The devolution of authority, responsibility and accountability to individual managers and professional officers envisaged within the SMI is having a major influence on the way the Office is run. The establishment of a management advisory committee, the development of partnership structures, the introduction of the Performance Management and Development System and an increased emphasis on training and development all mean that senior staff devote more time and energy than ever before to management issues.

- 4.5.3** The Partnership Committee is proving to be a particularly effective vehicle for advancing organisational modernisation and change. Numerous initiatives have been effected through Partnership sub-committees, covering important issues for the Office including the development of a Human Resource Strategy, the publication of a Service Charter and Action Plan, the implementation of improved communications systems, the development of policy in relation to health & safety, the promotion of the Irish language within the Office, the introduction of environmentally friendly policies and the ongoing commitment to flexible working arrangements.

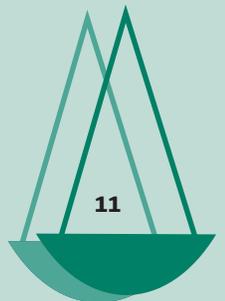
- 4.5.4** The Management Information Framework (MIF) initiative has had a particular relevance for the Office. The initiative comes at a time when, because of the considerably expanded remit of the Office, there is a need to examine our management information requirements and to develop IT systems to meet these needs. The issues involved have been documented earlier in this chapter at paragraphs 4.2.3 and 4.2.4. However, in addition to the development of these management information systems the Office, as part of the MIF initiative, is scheduled to take over responsibility for maintaining and processing its accounting function from the Department of Finance during the period covered by this Strategy Statement.



5 Key Objectives

5.1 In order to achieve its mission the Office has the following five key objectives:

- 1** Understand the law and context of operation
- 2** Develop vision and strategy for the future direction of the Office
- 3** Design operating processes and systems to achieve independent, fair and effective prosecutions
- 4** Interact and co-operate with all other participants in the criminal justice system in relation to cross-cutting issues with a view to improving the overall quality of service
- 5** Maintain accurate public expectations of service



6 Delivering on Key Objectives

6.1 This chapter sets out the key objectives; key requirements to meet objectives; specific strategies intended to achieve each of the five key objectives; and performance indicators for each objective. The critical success factors which are essential to the achievement of these key objectives are set out in chapter 7.

6.2 Key Objective 1

Understand the law and context of operation

Key Requirements to meet objective

- Professional staff have a thorough understanding of the applicable laws
- All staff have a thorough understanding of their role in the criminal justice system

Strategies to ensure objectives are met

- Provide a comprehensive programme of legal training and continuing legal education, outsourced or in-house as appropriate and co-ordinated by the Legal Training Officer
- Provide up-to-date legal information to staff via the library service and legal research service of the Office
- Develop knowledge management strategies to ensure knowledge gained through participation at conferences or exposure to specialist legal areas is yielded to the Office as a whole
- Deliver an induction programme to all recently recruited staff in the Office, to ensure that new staff obtain a thorough understanding of our role in the criminal justice system
- Provide information regarding our interaction with other agencies in the criminal justice system to all staff

Performance Indicators

- Percentage of staff who received training during the year
- Timeliness and quality of information about legal developments
- Knowledge management strategy in place and continuously monitored
- All new staff to receive induction training within 3 months of commencement of employment
- System for dissemination of information in place and continuously monitored and reviewed

6.3 Key Objective 2

Objective 2

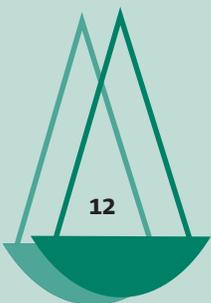
Develop vision and strategy for the future direction of the Office

Key Requirements to meet objective

- Contribute to the proper functioning of the criminal justice system as a whole
- Effective and optimum strategic management of all the units of the organisation to support this objective

Strategies to ensure objectives are met

- Develop vision at Management Advisory Committee (MAC) level focusing on strategies for future direction of the Office within the criminal justice system
- Publish a Code of Ethics for Prosecutors setting out professional standards for prosecutors
- Review and update the Statement of General Guidelines for Prosecutors which underpin the principles which guide the initiation and conduct of prosecutions
- Ensure all functions/areas of expertise are adequately staffed and contingency procedures for coverage are in place



- Acquire new office accommodation which will accommodate all divisions of the Office
- Develop vision at MAC level for further integration of legal divisions within the Office
- Establish and maintain structures in the Office for the strategic management of the organisation as a whole and the State Solicitor service
- Develop the Management Information Framework to provide the information to support the performance indicators for the Office

Performance Indicators

- Regular reviews by MAC as to development and currency of strategies outlined in the Strategy Statement
- Currency and comprehensiveness of Code of Ethics for Prosecutors
- Currency and comprehensiveness of Statement of General Guidelines for Prosecutors
- Staff with required skills in place and contingency procedures in place
- Increased effectiveness arising from integration of all divisions of the organisation in a single location
- Vision developed and implemented and regularly reviewed by MAC
- Structures in place including Business Plans for all units; IT Strategy; HR Strategy; PMDS; Partnership Committee; Archive Strategy
- Required management information systems in place

6.4 Key Objective 3

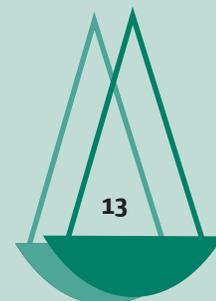
Design operating processes and systems to achieve independent, fair and effective prosecutions

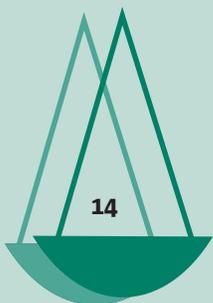
Key Requirements to meet objective

- Consistent standards applied by and on behalf of Office in prosecution process
- Effective and comprehensive support services
- Decision makers in process properly informed
- Management have appropriate information to manage
- Decisions/actions taken at appropriate level both within and outside the organisation

Strategies to ensure objectives are met

- Implement systems for the monitoring of consistency of standards to ensure that the prosecution process is operated:
 - To the highest professional standards
 - Independently of any outside pressure
 - Fairly, treating all persons equally before the law and avoiding any wrongful discrimination
 - Consistently, treating all like cases alike
 - In a timely manner
 - Ensuring that all decisions are clearly expressed and communicated
 - Respecting necessary confidentiality
- Review existing procedures in relation to the giving of reasons for prosecutorial decisions
- Establish an integrated complaints handling system to deal with all communications from stakeholders





- Have procedures in place to ensure all sentences which appear to be unduly lenient are considered and reviews are sought where appropriate
 - Develop strategies for the effective implementation of the remedies available for the confiscation of the proceeds of crime
 - Establish systems for the selection and evaluation of Counsel to ensure that the services of best counsel expert in the practice of criminal law continue to be available to and to be used by the Director, bearing in mind his statutory obligation to distribute work fairly among members of the Bar
 - Develop administrative services which support the prosecutorial process
 - Develop IT systems which support the prosecutorial process and provide management information which facilitates the analysis of the effectiveness and efficiency of the prosecution system
 - Develop communications systems to ensure that decision-makers in the Office have the fullest information from other persons involved in the prosecution process
 - Analysis of prosecutions taken by reference to case outcome and performance of counsel
 - Develop strategy for delegation of decision-making function to appropriate level whether within or outside organisation (i.e. Gardaí, prosecuting agency)
- Performance Indicators**
- Uniformity of application of standards and approach
 - Timeliness of decisions and conduct of cases
 - Proportion of directions carried out
 - Rate of implementation of decisions
 - Completion of review on the giving of reasons for prosecutorial decisions
 - Number of complaints made by external stakeholders in relation to service delivery
 - Number of appeals lodged and outcome
 - Strategy for confiscation of proceeds of crime in place
 - Review operation and effectiveness of strategy for the confiscation of proceeds of crime
 - Counsel with required expertise selected in compliance with section 7 of the Prosecution of Offences Act, 1974
 - Performance of counsel reviewed
 - Level of satisfaction with administrative support services monitored through internal customer service initiative
 - Percentage of cases where additional information required
 - Analysis of outcomes through Management Information Framework (MIF):
 - Plea by charge
 - Sentence by category of offence
 - Sentence rating by category of offence by Court
 - Outcome by category of offence
 - Solicitors' Division & Local State Solicitor service summary cases – selected outcome for specific types of cases
 - Quality of information available on case management system
 - Volume of outputs related to staff numbers
 - Case outcome and performance of counsel reviewed
 - Operation of comprehensive delegation strategy

6.5 Key Objective 4

Interact and co-operate with all other participants in the criminal justice system in relation to cross-cutting issues with a view to improving the overall quality of services

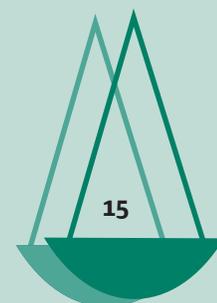
Key Requirements to meet objective

- Agreement on roles of participants
- Exchange of information between all participants in the criminal justice system both national and international
- Proper treatment of victims/witnesses
- Contribute to and participate in national and international groups and organisations
- Co-operation in the compilation of criminal statistics

Strategies to ensure objectives are met

- Ensure all agencies to whom we provide a service are clear as to their respective roles by exchange of information, regular bi-lateral liaison and effective inter-agency agreements
- Establish permanent top-level liaison links with the Garda Síochána to deal with issues of common interest on an ongoing basis. These issues include:
 - Assisting the Garda Síochána through provision of training in legal matters
 - Providing the Garda Síochána with legal advice on requests concerning legal questions which may arise at the investigation stage
 - Working with the Garda Síochána to promote systems which will enhance the quality and effectiveness of investigation files

- Contribute to the reform of criminal law by referring problems which arise in practice and which can be resolved by amending the law to: the Attorney General; the Minister for Justice, Equality and Law Reform; other relevant Ministers; the Law Reform Commission; or the two branches of the legal profession, as appropriate
- Continue to liaise with victim representative groups regarding service delivery to victims of crime
- Contribute to the process of international mutual assistance and judicial cooperation through participation in EUROJUST and through cooperation with the Office of the Attorney General, the Garda Síochána and the Department of Justice, Equality and Law Reform
- Organise national and international conferences for purposes of exchange of information and discussion on issues of mutual concern
- Continue to develop links with groups of witnesses (professional and otherwise) who regularly provide evidence in prosecutions, to improve service to these witnesses and to increase our understanding of the evidence they have to offer
- Participate in inter-agency working groups and committees
- Participate in the work of international organisations of lawyers and prosecutors, thereby ensuring the Office keeps abreast of relevant developments in other jurisdictions and continues to operate in accordance with accepted international standards, notably those set out by the United Nations, the Council of Europe and the International Association of Prosecutors



Performance Indicators

- Inter-agency agreements in place
- Number of meetings of Garda Liaison Committee
- Number of training days provided to the Garda Síochána
- Percentage of cases where additional information is required
- Number of submissions made on reform of criminal law
- Contributions to the work of international organisations
- Conferences organised
- Ongoing liaison with groups of witnesses or their representatives
- Ongoing liaison with victim representative groups
- Progress of working groups and committees
- Currency of information available on developments in other jurisdictions

6.6 Key Objective 5

Maintain accurate public expectations of service

Key Requirements to meet objective

- Public understanding of the work of the Office
- Public confidence in the prosecution process

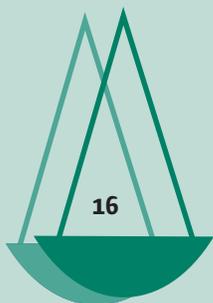
Strategies to ensure objectives are met

- Make available as much information about the work of the Office of the Director of Public Prosecutions as is possible, in particular through publication of Annual Reports, Statement of General Guidelines for Prosecutors, and other Office publications
- Develop and maintain a bi-lingual website

- Treat victims and witnesses of crime with sensitivity and understanding in accordance with the undertakings given in the Victims Charter
- Publish a Service Charter setting out standards of service which can be expected from the Office of the Director of Public Prosecutions
- Develop a comprehensive complaints handling policy
- Publish the review of the Office's policy in relation to the provision of reasons for prosecutorial decisions to victims following consultation with stakeholders
- Promote openness and public awareness of role of the Office through public presentations whether by lectures, articles or interviews

Performance Indicators

- Publication of comprehensive Annual Report within 6 months of year end
- Publication of revised Statement of General Guidelines for Prosecutors and other relevant Office publications
- Distribution of user-friendly information guides
- Evaluate currency and accessibility of information available on website
- Evaluation of usage of website
- Evaluation of feedback forms from website
- Evaluation of complaints received
- Service Charter and Action Plan published
- Complaints handling policy in place
- Review of policy on giving of reasons for prosecutorial decisions completed and published
- Number of public lectures and interviews
- Number of articles published



7 Critical Success Factors for the Achievement of Key Objectives

7.1 A number of factors are critical to the achievement of the objectives set out in this Strategy Statement. Some of these factors are external to the Office of the Director of Public Prosecutions and outside the control of the Office. Others are internal factors over which the Office has control.

7.2 Factors outside of the control of the Office

7.2.1 At the core of the Strategy Statement for the period 2004-2006 is the drive to deliver the benefits envisaged by the implementation of the recommendations of the Public Prosecution System Study Group. Chief amongst these benefits is the potential for a more efficient and effective prosecution system.

7.2.2 There is simply no escaping the fact that the delivery of a more efficient and effective prosecution system is dependent upon the necessary financial resources being made available to the Office of the Director of Public Prosecutions. The Director acknowledges the substantial investment which has been made in his Office in recent years. There will be a continuing need for such investment in the future. As outlined in some detail in this Strategy Statement there is a need to develop IT management information systems, under the Management Information Framework initiative, which are adequate to the task of managing the expanded remit of the Office. Should the necessary additional funding not be made available for the development of such systems it will simply not be possible to manage the prosecution system at an acceptable level.

7.2.3 The Strategy Statement has highlighted the likelihood of an expansion in the number, type and complexity of prosecution files which are likely to be submitted to the Office from an expanding number of organisations. While the Office will continue to strive for increased efficiencies in the delivery of its services, it is the case that additional human and financial resources may be required to adequately deal with this increasing workload.

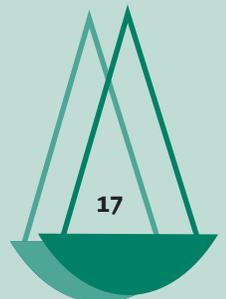
7.2.4 As outlined in this Strategy Statement there is an urgent need for the entire Office to be located in one building. Should a single building of adequate size not be made available it will have an adverse impact on the ability of the Office to deliver on the objectives set out in this Statement.

7.2.5 In relation to the transfer of the responsibility for the State Solicitor service it is a prerequisite for this that amending legislation be passed.

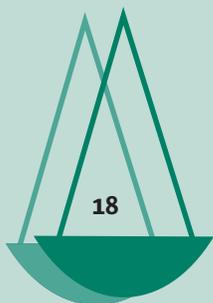
7.2.6 Finally, while the Office will endeavour to ensure the most effective use of resources within the criminal justice system by encouraging the coordination of the activities of the various agencies and bodies concerned, the success of this will ultimately be dependent upon the level of cooperation of the other agencies.

7.3 Factors within the control of the Office

7.3.1 The Office must recruit and retain legal staff with the necessary professional expertise and standards. In addition it must recruit the staff needed to support its legal functions to the highest possible standards. The support services required include information technology, library, human resource, finance and general management services.



- 7.3.2** Human resource management systems must be developed to enhance the skills and competencies of staff at all levels through a training and development programme devised in conjunction with the Performance Management and Development System.
- 7.3.3** Necessary specialisation of staff must be planned for in order to meet the continuing demands of increasingly complex and new areas of criminal law.
- 7.3.4** It is essential to provide a career structure which ensures an interesting and satisfying career for staff, with opportunities for advancement, thereby helping the Office retain its staff and their considerable knowledge and skills.
- 7.3.5** Finally in relation to staffing, it remains vital to maintain as close to a full staff complement as possible to enable the Office to deal with the considerable demands facing it over the period of this Strategy Statement.
- 7.3.6** Once funding has been obtained from Government for the IT management information systems required by the Office the focus will shift to the management of the project. The successful management of this project by the Office will be critical to the delivery of the objectives set out in this Strategy Statement. The project must ensure that the IT systems developed support the efficient processing and management of all aspects of the work of the Office including that of the State Solicitor service.



Appendix 1

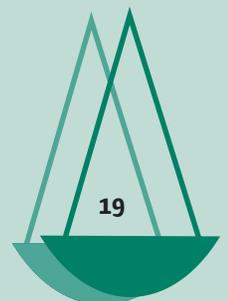
The Role of the Director of Public Prosecutions

- 1.1** The office of Director of Public Prosecutions was established by the Prosecution of Offences Act, 1974, which conferred on the Director “all functions capable of being performed in relation to criminal matters” by the Attorney General immediately before the passing of the Act.
- 1.2** The principal such function is the power to prosecute criminal offences. The power to prosecute indictable offences (the more serious offences which are tried before a jury or in the Special Criminal Court) comes from Article 30 of the Constitution of Ireland. The power to prosecute summary offences comes from the Criminal Justice (Administration) Act, 1924. Only the Director may prosecute indictable cases, but summary offences may also be prosecuted by relevant Ministers, Departments of State or by individuals acting as “common informers”.
- 1.3** The 1974 Act also conferred on the Director the Attorney General’s functions in relation to election and referendum petitions.
- 1.4** For a more detailed description of the Director’s functions the reader is referred to the Annual Reports of the Office for 1998 and 1999, and the Statement of General Guidelines for Prosecutors published by the Director in 2001.
- 1.5** The 1974 Act provides that the Director of Public Prosecutions shall be independent in the performance of his functions. This independence is reinforced by the statutory provisions relating to the appointment and security of tenure of the Director and the statutory prohibition on communications intended to influence the Director’s decisions.

- 1.6** The Director of Public Prosecutions is currently assisted by a staff of 65 legal professional officers, both solicitors and barristers, whom he has statutory power to direct to perform any of his functions on his behalf. A total of 175 staff are employed in the Office of the Director of Public Prosecutions.

The Public Prosecution System

- 1.7** The public prosecution system in Ireland consists of a number of different agencies and actors whose interaction is complex. Implementation of the Report of the Public Prosecution System Study Group has simplified the system to some extent. The various agencies and actors in the process are as follows:
- The Director of Public Prosecutions and his staff. The professional staff in the Office consist of barristers and solicitors who work in the Directing Division, and solicitors under the Chief Prosecution Solicitor who work in the Solicitors’ Division.
 - The Directing Division is responsible for the overall direction of serious criminal proceedings. This includes making the decision whether to prosecute and for what offence, making any decision to withdraw proceedings or to accept pleas to lesser offences, and to bring appeals in relation to points of law or seek reviews of unduly lenient sentences.



- The Solicitors' Division, headed by the Chief Prosecution Solicitor, is responsible for providing the solicitor service in Dublin to the Director. This includes the general preparation of indictable cases, including the preparation of books of evidence, and the instruction and attendance on counsel at the hearing, the conduct of summary prosecutions and the conduct of all Judicial Review cases on the Director's behalf. The Chief Prosecution Solicitor is answerable to the Director and provides a solicitor service as an integral part of the Director's Office.
- The Garda Síochána's investigative function is independent of the Director and his Office. The Garda Síochána are responsible for investigating crime. They also make the decision whether to prosecute in respect of most minor offences, and conduct those cases in court. When the Garda Síochána prosecute in the Director's name they are subject to any direction the Director may give in respect of that particular prosecution. In addition, they are subject to Garda circulars issued by the Commissioner from time to time following appropriate consultation with the Director's Office.
- The 32 Local State Solicitors, (one in each county outside Dublin, except Galway, Limerick, Kildare and Tipperary, which have two each, and Cork, where there are four) are independent solicitors in private practice who, as a matter of contract with the Attorney General, provide a solicitor service in their respective areas both to the Attorney General and the Director. The Report of the Public Prosecution System Study Group, which the Government has accepted, has recommended transfer of responsibility for the Local State Solicitor service to the Director. Their present

relationship to the Director is that of solicitor and client. It is anticipated that these State Solicitors will be transferred early in the lifetime of this Strategy Statement, subject to the required legislation being enacted.

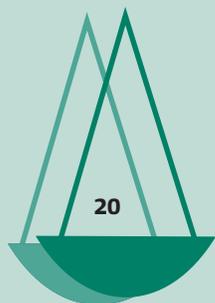
- The Bar. The conduct of serious cases in court is entrusted to independent barristers who act for the Director and take their instructions from him.
- In addition there are a number of other agencies with power to investigate crime in specific sectors and to prosecute summarily. They include the Revenue Commissioners, the Competition Authority, the Office of the Director of Corporate Enforcement and the Health and Safety Authority. Their relationship to the Director is similar to that of the Garda Síochána.

Investigation and prosecution

1.8 The prosecution of an offence involves three principal stages:

- the investigation of a crime
- the decision to prosecute or not to prosecute and
- the management of the case after the decision to prosecute is made

1.9 The Director has no investigative function. The investigation of criminal offences is, in general, the function of the Garda Síochána. There are also specialised investigating authorities. The Director co-operates regularly with the investigative agencies during the course of criminal investigations, particularly in furnishing relevant legal and prosecutorial advice, but, with the exception of some investigations undertaken by the Garda Complaints Board, does not direct them.



The Decision to prosecute

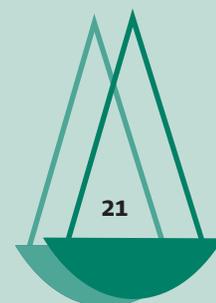
1.10 The Director and his staff make the decision whether to prosecute and for what offences in all indictable and other serious cases. In practice, summary cases are usually initiated and prosecuted by the Garda Síochána in the District Court in the Director's name but without specific reference to the Director. The Garda Síochána are, however, when prosecuting in the Director's name, subject to any instructions given by the Director and are expected to act in accordance with his advice. A decision by the Garda Síochána not to prosecute does not preclude the Director from deciding to do so.

The Management of the case after the decision to prosecute

1.11 The overall direction of serious cases after the decision to prosecute rests with the Director and his Office. They will take major decisions, such as whether to accept a plea of guilty to a less serious charge or whether to appeal a decision.

1.12 The provision of a solicitor service is the responsibility of the Solicitors' Division, under the Chief Prosecution Solicitor, or the local State Solicitor. The solicitor is responsible for the general preparation of the case including preparing books of evidence, representing the prosecution at all pre-trial hearings or applications, including the taking of depositions or taking evidence by video-link, other pre-trial matters such as disclosure of documents, and ensuring that the case is ready to go ahead on the date fixed for trial. The solicitor is responsible for instructing and attending any counsel engaged in the case.

1.13 Outside the Dublin Metropolitan District summary prosecutions are normally presented in court by a Superintendent or an Inspector of the Garda Síochána. In some cases, the State Solicitor will present the case or, occasionally, counsel may be retained. Within the Dublin Metropolitan District, summary prosecutions are presented by members of the Garda Síochána and by the Chief Prosecution Solicitor.



Appendix 2

The Functions of the Director of Public Prosecutions in relation to Election and Referendum Petitions

The following text appeared as Chapter 3 of the Office's Strategy Statement 2001-2003. There has been no change in the position since that statement was published.

2.1 The role of the Director of Public Prosecutions within the prosecution service is relatively clearly defined. The Director, however, is conferred with a second role under the Prosecution of Offences Act, 1974, that of exercising all the functions capable of being performed by the Attorney General in relation to election and referendum petitions prior to the passing of the Act.

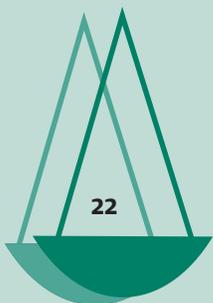
2.2 While the Director is, of course, bound to exercise any statutory function conferred on him by the Oireachtas, any strategic review by an organisation should properly consider the appropriateness of its functions as a whole. Prompted in part by the Strategic Management Initiative itself with its emphasis on such questions, and partly following on the detailed examination by the Public Prosecution System Study Group of the Director's core function, that of public prosecution, the Director has given consideration to whether it is appropriate that he should continue to have this second role in addition to his primary role as public prosecutor.

2.3 It is not altogether clear what was the reason for transferring these functions to the Director in 1974. The matter does not appear to have been referred to in the Dáil debates at the time. It may be that it was considered that the Director was an appropriate person to exercise these functions because the basis for bringing election and referendum petitions would in many cases involve an allegation of criminality.

If so, this reasoning is not, in the Director's opinion, well founded, as the Director could have to take up a position on an election petition which could compromise a subsequent criminal prosecution.

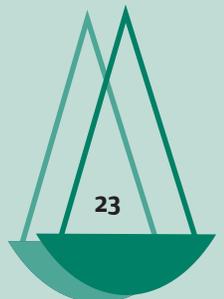
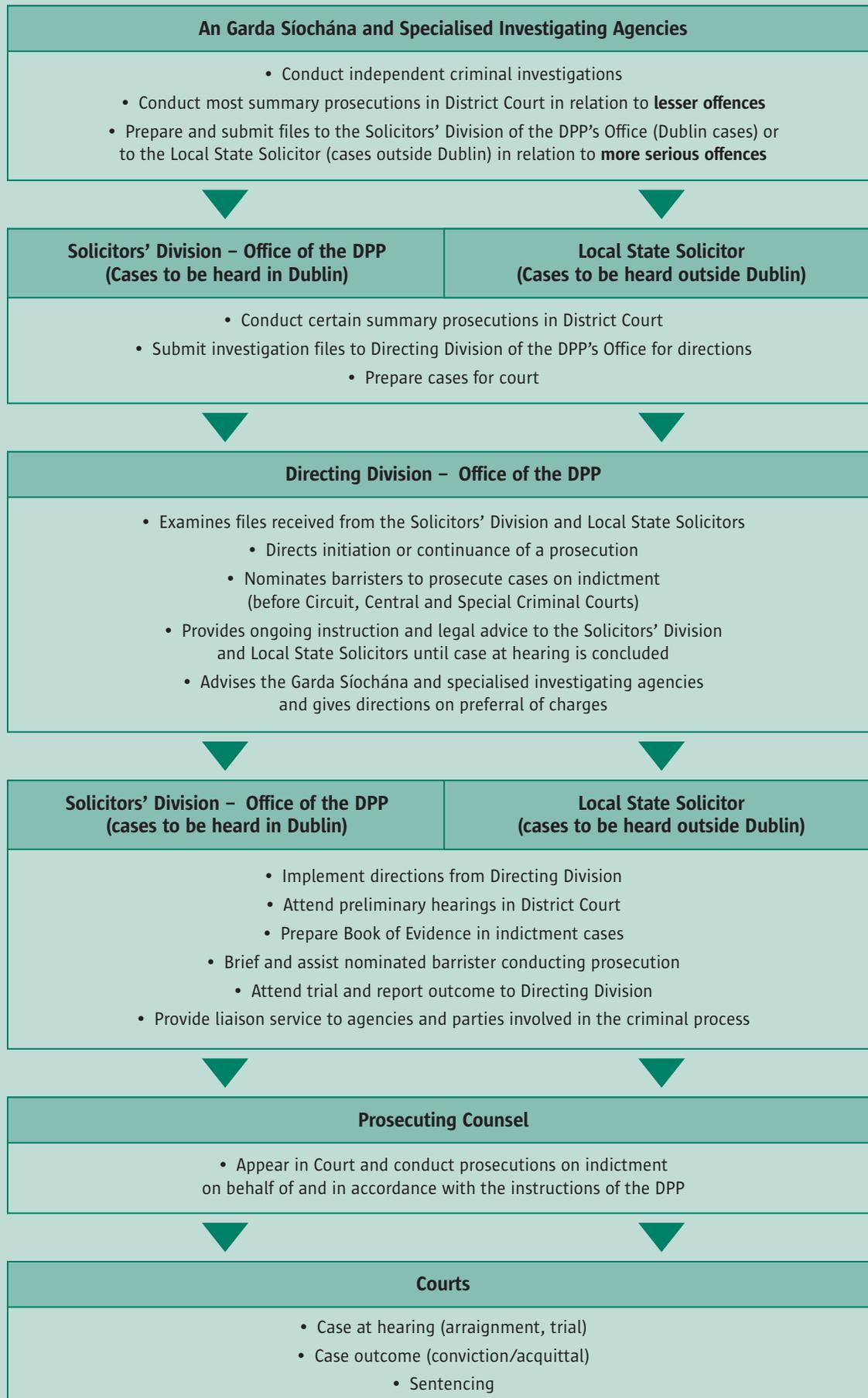
However, it is also possible that the reason for the transfer of this particular function was a desire to have such petitions defended by a non-political person, in view of the possibility that any serving Attorney General could be seen as partisan in relation to an election or a referendum, and that it was in fact intended to confer the Attorney General's former functions on the Director whether or not the petition related to criminality – including, for example, the responsibility to apply to and assist the court on legal issues relating to elections and referendums which might arise in areas unrelated to criminal law.

2.4 Following his review of the matter the Director has come to the conclusion that this function sits uneasily with his primary functions in relation to criminal matters, and has the potential to embroil him in political controversy, compromise his independence, leave him open to allegations of being partisan and involve his office in conflicts of interest. In addition, there are numerous inconsistencies, anomalies and obscurities in the law. This function could appropriately be transferred to some body other than the Director. If the Director were to be left with any role in this area at all, at the least it would require to be more precisely delineated but the Director's preferred option is that legislation should be introduced to transfer this function to a more appropriate person or agency.



Appendix 3

Outline of the Criminal Prosecution Process



Appendix 4

Organisation Chart

