

# Strategy Statement 2016 - 2018

## Our Mission

To provide, on behalf of the People of Ireland, a prosecution service that is independent, fair and effective

### Objective 1

Maintain high standard of operating efficiency to achieve independent, fair and effective prosecutions

### Objective 2

Co-operate with participants in the Irish criminal justice system and relevant international bodies to improve the overall quality of service

### Objective 3

Maintain public confidence in the prosecution service

## CONTENTS

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Foreword .....	4
Environmental Context .....	5
Challenges .....	5
Opportunities .....	6
Key Objectives .....	8
Enablers .....	11

## Foreword



I am pleased to outline the strategies my Office will adopt over the course of the next three years.

A properly functioning prosecution service is fundamental to the maintenance of law and order in any society. The strategies set out in this statement focus on maintaining existing levels of service in the context of the current economic environment and ensuring that the most efficient use is made of the resources available to us.

Over the last 15 years the prosecution service has undergone extensive modernisation and reform. In the last 3 years we have streamlined services further through changing work practices and availing of technology to enhance our business processes. We have achieved the lower staffing target set for the Office under the Employment Control Framework and have succeeded in delivering significant savings in the costs of running the Office over the last three years. In the next period I am committed to striving to maintain and build on the efficiencies already gained.

We have for a number of years been working towards accommodating the entire Office in a

single headquarters building. Our objective now is to complete the final phase of this process. Plans are well advanced to achieve this by Q1 2017. This will not only yield budgetary savings but will facilitate greater integration and enable us to carry out our work in the most efficient manner.

A priority focus for myself and my senior management team is to ensure that our professional staff perform the functions delegated to them to the highest standards. This requires them to have a thorough understanding of the criminal law and the criminal justice system, and also Office policies on a wide range of issues. We will ensure that professional staff have access to continuing professional development, facilitated to a significant extent by our own staff with the relevant specialist expertise.

Another ongoing challenge for this Office will be the transposition into Irish law of the EU Directive on the rights of victims, which has had direct effect since November 16th 2015. Domestic legislation is still awaited. The Directive establishes standards on the rights, support and protection of victims of crime. Giving effect to the various rights now available has proved resource intensive so far. This will be a key factor for consideration as we endeavour to maintain current levels of service over the lifetime of this Strategy Statement.

Our relationships with other agencies involved in the criminal justice system as a whole are very important. We have over the years established strong working relationships with colleagues both within the criminal justice system nationally and at an international level. We will continue to sustain and develop interagency co-operation so as to ensure that the criminal justice system operates in a cohesive and effective manner for the benefit of all those to whom we provide a service.

Claire Loftus  
Director of Public Prosecutions  
April 2016

## Environmental Context

In this Strategy Statement we outline how the Office of the Director of Public Prosecutions will deliver on its commitment to provide a prosecution service for the People of Ireland that is independent, fair and effective.

We operate in an environment that is constantly changing and we must strive to overcome the challenges and seize the opportunities which this presents. Outlined below are key challenges and opportunities in our operating environment which will impact on the way we do business over the lifetime of this Strategy Statement.

## Challenges

### Volume and Complexity of Work

The Office of the DPP does not exercise control over the volume or the complexity of the cases which investigative organisations submit to it. Each of the three years covered by our last Strategy Statement saw successive increases in both the number of files being submitted for a decision with regard to whether a prosecution should be taken, and the number of suspects the subject of those files. It is anticipated that this trend will continue over the life of this Strategy Statement.

Each year the majority of investigation files are submitted by An Garda Síochána. It is important to note that only the more complex and serious Garda investigation files are submitted to our Office. Under section 8 of the Garda Síochána Act 2005 the Gardaí have been given a general consent to prosecute in less serious cases without reference to this Office. Over the years the categories of offences covered by the consent have been expanded. Because of this, the files being submitted to the Office by An Garda Síochána generally relate to more serious and complex matters.

Specialised regulatory agencies also submit files to the Office. These include the Revenue Commissioners, the Competition and Consumer Protection Commission, the Office of the Director of Corporate Enforcement, the Health & Safety Authority, local authorities and the Garda Síochána Ombudsman Commission. By their nature, files received from these agencies tend to be large and involve complex legal issues.

Other factors such as changes in law and advances in technology have, in recent years, also resulted in an increase in the volume and complexity of the material submitted to this Office for consideration. In addition there has and continues to be an increase in files in the area of fraud and white collar crime. These place particularly heavy demands on the Office.

Finally, most trials before the Circuit and Central Criminal Court are now taking longer. It is anticipated that this trend will continue over the life of this Strategy Statement.

### Changes in the Law and Legal Environment

In the environment in which the Office operates the law is constantly changing, whether through national or international legislation and Court decisions. In this context the EU is now playing an increasingly important role in relation to criminal law and procedure. Remaining abreast of developments as they arise and ensuring that the Office responds to changes in its legal environment has been and is expected to be a significant challenge over the life of this Strategy Statement. Two recent changes will particularly impact on the Office in the next few years. These are the Government decision to establish a second Special Criminal Court and the implementation of the EU Victims Directive

The EU Victims Directive came into effect on 16 November 2015. Under the Directive victims and the families of victims have the right to seek reasons for decisions not to prosecute, and also to ask for reviews of decisions not to prosecute. The full impact of the implementation of the Directive will become more apparent over the course of 2016. In addition, the enactment of the legislation transposing the Directive into Irish law later this year may also impact on the resources required to ensure that this Office continues to comply fully with its obligations under the Directive.

## Resources

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Increases in the volume and complexity of cases, changes in the law, new Courts and longer trials all place pressure on both the financial and human resources of the Office. A continuing challenge over the course of the life of this Strategy Statement will be to ensure that the resources necessary to deal adequately with prosecution work are available. Apart from the overall increase in number and complexity of cases being submitted, a range of other factors are anticipated to result in particular pressures on resources. These include the new work arising from implementation of the EU Victims Directive, the establishment of a second Special Criminal Court to deal with a backlog of cases awaiting hearing and further very long trials arising from large financial investigations.

## Recruitment and Retention of High Calibre Staff

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A challenge that the Office is now facing, and one which is likely to become more acute over the life of this Strategy Statement, will be our ability to recruit and particularly retain high calibre legal staff. Now that the economy is recovering it is becoming increasingly difficult for the Office, because of the relatively low starting salaries for lawyers and changes to the salary scale made by the Department of Public Expenditure and Reform in 2010, to attract and retain the calibre of legal staff required. After a period of retrenchment, very attractive salaries are again on offer to lawyers, including newly qualified lawyers, in the private sector. If we cannot attract and retain sufficient lawyers with the necessary expertise it may create real problems in maintaining standards and may also adversely impact on our ability to deal with all of the prosecution work requiring attention.

## Human Rights and Equality

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The Office of the DPP is conscious of the statutory requirements set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. In terms of its own staff the human rights and equality issues relevant to the Office are given effect to in our HR policies. We keep these policies under review to ensure that they meet appropriate human rights and equality standards. In relation to victims and those suspected or accused of criminal offences the Director's detailed Guidelines for Prosecutors and Code of Ethics set out the appropriate human rights and equality standards which the Director expects all prosecutors to comply with in discharging their functions.

## Opportunities

### Relationship with Other Agencies

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The criminal justice system involves a range of different organisations and agencies. In order for the system to work effectively it is essential that all those involved establish and maintain strong working relationships. The Office of the DPP has always considered this to be a fundamental element to the efficient operation of the prosecution service.

Over the years we have developed strong relationships with our key stakeholders including State Solicitors, Prosecution Counsel, the Attorney General, An Garda Síochána, the Department of Justice and Equality, Specialised Investigation Agencies, the Courts Service, the Probation Service, Forensic Science Ireland and other national and international agencies and bodies involved in the area of criminal law. We will continue over the lifetime of this Strategy Statement to proactively enhance and build on the relationships already established.

## Training and Development

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Training and development of staff is a key priority for this Office and is considered essential to the efficient operation of the prosecution service. Our Legal Training Steering Group will continue to work on the development of comprehensive training modules for staff at all levels across the organisation. Programmes will continue to be developed taking account of best practice in the prosecution of criminal offences, changes in national and international legislation and specialisation in specific areas of prosecution work.

The Office will also continue to facilitate external training including for An Garda Síochána and the Law Society of Ireland. This provides a valuable opportunity to promote best practice in the prosecution of criminal offences.

## Technology

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This Office will over the life of this Strategy Statement continue to strive to enhance the way we do business through the most effective use of modern technology. In the last two years we have made extensive use of technology to present cases in court, particularly in the area of fraud and white collar crime. This has been very beneficial, facilitating the collation, presentation and comprehension of large volumes of material in court. We will expand the utilisation of electronic presentation of evidence where appropriate.

We will continue to work with the Criminal Justice Working Group on Data Needs & Interoperability with a view to developing a system which will facilitate the sharing of electronic data and support the seamless submission of prosecution files electronically. Currently the majority of such files are presented in hardcopy format. Even where electronic copies of the file are submitted it is necessary to manually re-enter key data onto our computer system.

## Single Headquarters

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It is anticipated that the Office will finally achieve its aim to accommodate all staff in a single headquarters building on Infirmery Road by the end of 2016. Most sections of the Office moved to the Infirmery Road site in incremental stages over the life of the last Strategy Statement. Having the Office divided over two locations results in the expense of servicing two buildings and duplication of work. When all staff are accommodated in a single location it will provide opportunities for more efficient use of resources and streamlining of work processes.

## KEY OBJECTIVES

### OBJECTIVE 1: Maintain high standard of operating efficiency to achieve independent, fair and effective prosecutions

Strategy	Outcome	Key Measures
<ul style="list-style-type: none"> <li>▶ Maintain, update and develop policies and guidelines for handling prosecutions</li> <li>▶ Implement systems to ensure consistent application of policies and guidelines</li> <li>▶ Make timely information available to managers</li> <li>▶ Ensure that sufficient appropriately qualified staff are employed.</li> <li>▶ Provide a comprehensive programme of training and continuing education</li> <li>▶ Appoint counsel through a competitive process and monitor performance annually</li> <li>▶ Develop and maintain administrative services which support the prosecution work of the Office</li> </ul>	<ul style="list-style-type: none"> <li>▶ Policies and guidelines which support the prosecution process in place</li> <li>▶ Prosecution service complies with highest standards of delivery</li> <li>▶ All elements of the prosecution process completed in a timely manner</li> <li>▶ Complement of staff maintained at required levels</li> <li>▶ Staff trained and developed to highest standard</li> <li>▶ Counsel with required level of expertise in place</li> <li>▶ Effective and comprehensive support services in place</li> </ul>	<ul style="list-style-type: none"> <li>▶ Policies and guidance in relation to prosecution matters monitored</li> <li>▶ Case audits undertaken in relation to compliance levels with policies and guidelines</li> <li>▶ Analysis of timeliness of decisions and conduct of cases through management reports from case management system</li> <li>▶ Number and level of staff employed</li> <li>▶ Number of hours professional development education undertaken</li> <li>▶ Regular reports on the evaluation of performance of counsel</li> <li>▶ Regular reports on administrative support services</li> </ul>



## OBJECTIVE 2: Co-operate with participants in the Irish criminal justice system and relevant international bodies to improve the overall quality of service

Strategy	Outcome	Key Measures
<ul style="list-style-type: none"> <li>▶ Maintain top level liaison with key leaders in the Irish criminal justice system</li> </ul>	<ul style="list-style-type: none"> <li>▶ Ongoing liaison and exchange of information between participants in the criminal justice system both nationally and internationally</li> </ul>	<ul style="list-style-type: none"> <li>▶ Inter-agency protocols in place as required</li> </ul>
<ul style="list-style-type: none"> <li>▶ Maintain contact with prosecution organisations in other jurisdictions and with international organisations to ensure that the Office keeps informed of developing trends</li> </ul>	<ul style="list-style-type: none"> <li>▶ Office of the DPP aware of international trends in prosecutorial matters and of their potential impact on the work of the Office</li> </ul>	<ul style="list-style-type: none"> <li>▶ Submissions made on the reform of the criminal law</li> <li>▶ Number of working groups and committees to which the Office of the DPP contributes</li> <li>▶ Progress of working groups and committees</li> </ul>
<ul style="list-style-type: none"> <li>▶ Participate in national and international groups with a view to exchanging information and developing responses to issues of mutual concern</li> </ul>	<ul style="list-style-type: none"> <li>▶ Changes to criminal justice procedures implemented which improve the overall quality and efficiency of the service</li> </ul>	<ul style="list-style-type: none"> <li>▶ Contributions to the work of international organisations</li> </ul>
<ul style="list-style-type: none"> <li>▶ Contribute to the reform of the criminal law through making submissions as appropriate</li> </ul>	<ul style="list-style-type: none"> <li>▶ Positive contribution made to national and international groups and organisations</li> </ul>	<ul style="list-style-type: none"> <li>▶ Progress on cross-cutting initiatives in the criminal justice system</li> </ul>
<ul style="list-style-type: none"> <li>▶ Co-operate with cross-cutting criminal justice initiatives</li> </ul>	<ul style="list-style-type: none"> <li>▶ Positive engagement with other criminal justice organisations in relation to cross-cutting initiatives</li> </ul>	<ul style="list-style-type: none"> <li>▶ Number of training hours, courses, seminars and conferences facilitated by the Office for stakeholders across the criminal justice system</li> </ul>
<ul style="list-style-type: none"> <li>▶ Provide training to staff of other criminal justice organisations on prosecutorial matters</li> </ul>		<ul style="list-style-type: none"> <li>▶ Attendance levels at conferences hosted by the Office</li> <li>▶ Currency of information available on developments in other jurisdictions</li> </ul>

**OBJECTIVE 3: Maintain public confidence in the prosecution service**

Strategy	Outcome	Key Measures
<ul style="list-style-type: none"> <li>▶ Produce and maintain comprehensive and accurate information on the work of the Office in accessible formats</li> <li>▶ Respond promptly and comprehensively to communications</li> <li>▶ Ensure that adequate resources are secured to deal with new work arising from the implementation of the EU Victims Directive and any other changes in the law or increases in work which may arise during the life of this document</li> <li>▶ Ensure that interaction between lawyers acting for the Director and victims and witnesses complies with Office policies and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>▶ Public understanding of the work of the Office</li> <li>▶ Public confidence in the Office</li> <li>▶ Necessary resources in place to implement provisions of EU Victims Directive</li> <li>▶ Victims of crime receive appropriate information and support</li> <li>▶ Victims and witnesses receive standard of service that is consistent with Office policies and guidelines</li> </ul>	<ul style="list-style-type: none"> <li>▶ Annual Report and other publications on the work of the Office published</li> <li>▶ Comprehensiveness, currency and accessibility of information available on website</li> <li>▶ Timeliness of responses to requests for reviews and reasons</li> <li>▶ Number of requests for reasons for decisions not to prosecute</li> <li>▶ Number of reviews of decision undertaken and outcome</li> <li>▶ Number of pre-trial meetings facilitated by the Office</li> <li>▶ Number of complaints received and outcome</li> </ul>

## ENABLERS

Achieving our objectives will be supported by the following enablers:

### People and Structures:

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- ▶ Embed core values of independence, responsibility, integrity and competence
- ▶ Management of team and individual performance
- ▶ Skills development through training, staff mobility, staff rotation, and mentoring
- ▶ Support through knowledge management, research facilities, and library services
- ▶ Involvement with internal and external working groups, committees and networks

### Technology and processes:

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- ▶ Further development of electronic system of submission of prosecution files
- ▶ Utilisation of electronic presentation of evidence where appropriate
- ▶ Support for the initiative to develop sharing of data electronically across criminal justice organisations
- ▶ Utilisation of Civil Service Shared Services and services of the Office of Government Procurement
- ▶ Optimise and streamline processes in context of a single headquarters building
- ▶ Continued development of Case Management System to improve internal processes and ensure changes in legislation and Court procedures are supported
- ▶ Drive the Office Knowledge Management initiative through promotion of electronic resources

### Governance:

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- ▶ Maintain standards in accordance with guidelines and policies
- ▶ Oversight by Internal Audit Committee
- ▶ Adherence to procurement policies and guidelines
- ▶ Compliance with legislative obligations (e.g. FOI, Data Protection, Protected Disclosure, Lobbying Act)
- ▶ Operation of risk management policy

