

Strategy Statement 2019 - 2021

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 other stakeholders 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

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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 high standards of service in a constantly evolving legal environment and ensuring that the most efficient use is made of the resources available to us.

Since the significant expansion in its role and responsibilities in 2001 the prosecution service has undergone extensive modernisation and reform. We continue to streamline services further through changing work practices and availing of technology to enhance our business processes. In the life of the last strategy statement we achieved our goal of accommodating the entire Office in a single headquarters building, which not only yielded budgetary savings but facilitated greater integration and enables us to carry out our work in a more efficient manner. In the current period we will continue work to optimise this integration.

An ongoing 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 fulfilment of our obligations under the Victims of Crime Act 2017 which establishes standards on the rights, support and protection of victims of crime. Giving effect to the various rights now available continues to be resource intensive but we are committed to providing a high standard of service.



A new challenge which faces the Office is the implications of the recommendations made by the Commission on the Future of Policing in Ireland on Garda involvement in the prosecutorial function. Depending on the extent to which these recommendations are implemented this could involve the most significant reorganisation of the prosecution service since the establishment of the Office of the Director of Public Prosecutions.

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 inter-agency 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 it provides a service.

Claire Loftus
Director of Public Prosecutions

July 2019

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

Complexity of Cases

One of the greatest challenges for the Office is keeping abreast of the increasingly complex nature of the prosecution files presented to the Office. Advances in technology in recent years have greatly impacted on the nature of criminal investigation files. Use of a wide variety of electronic devices and the extent of the use of social media often requires the consideration of increasingly complex and technical material before a decision can be made to prosecute or not to prosecute.

An Garda Síochána submit investigation files to this Office only in the more serious and complex criminal cases. Less serious cases are dealt with by the Gardaí without reference to this Office. In addition, Garda National Specialist Units that specialise in the investigation of specific categories of crime submit files to the Office for consideration. These include the Garda National Bureau of Criminal Investigation, the Garda National Economic Crime Bureau, the Garda National Protective Services Bureau, and the Garda National Cyber Crime Bureau. There are also specialised regulatory agencies, for example, the Revenue Commissioners, the Office of the Director of Corporate Enforcement, and the Health & Safety Authority, which investigate specific offence types. Files received from the Garda specialist units and the specialised regulatory agencies are, by their nature, voluminous and involve complex legal issues. They require specialist legal expertise in specific areas of

law and the Office must continue to ensure that we have the necessary specialist resources in place to manage this work and promote excellence in the prosecution of these serious categories of offences.

Disclosure

Disclosure of material in advance of criminal trials has become increasingly onerous and challenging in recent years. With emerging technology, the volume of data that is now available places an onus on the prosecution to determine the relevancy of the evidence presented to the court while at the same time balancing the privacy rights of those who come into contact with the criminal justice system. The rapid rate of developments in technology means that disclosure issues will continue to present significant challenges for the prosecution in the coming years. We will continue to work to ensure that protocols in relation to rights to privacy and data protection are adhered to, and that our IT systems can support the disclosure of material in a secure and efficient manner.

Succession Planning

Currently 21% of staff in the Office are over 55 years of age. Because of this age profile it is likely that there will be a significant loss of both legal expertise and corporate knowledge in the short to medium term. Over the lifetime of this Strategy Statement we must ensure that we plan for this eventuality and have in place knowledge management strategies and succession programmes to counteract the adverse effect of this loss of expertise. In replacing those legal staff who leave the Office in the coming years, our aim will be to continue to recruit the highest calibre lawyers to the prosecution service and, more importantly, strive to retain these staff in a climate where the attractive salaries currently on offer in the private sector can mitigate against retaining such staff in the public service.

Human Rights and Equality

The Office of the DPP is conscious of statutory requirements in relation to Public Sector Equality and Human Rights Duty as set out in section 42 of the Irish Human Rights and Equality Commission Act 2014. Our HR policies give effect to the human rights and equality issues relevant to staff in the Office. We keep these policies under review to ensure that

they meet appropriate human rights and equality standards. The Guidelines for Prosecutors and Code of Ethics set out the human rights and equality standards which the Director expects all prosecutors to comply with in discharging their functions in relation to victims and those suspected or accused of criminal offences.

Changing Environment

We must keep abreast of changes in law and in the legal environment in which we operate, both on a national and international level. Ensuring the Office is in a position to respond to any such changes will be a significant challenge over the lifetime of this Statement.

Since the coming into force of the Criminal Justice (Victims of Crime) Act 2017, much work has been done in fulfilling our obligations under the Act in giving reasons for and reviewing decisions not to prosecute on request. However, there is still much work to be done, particularly in the provision of special measures for victims in court. Working to improve services for victims of crime will continue to be a key priority area of work for the Office as we work with other stakeholders in the criminal justice system to ensure the delivery of quality services.

The Report of the Commission on the Future of Policing in Ireland, published in September 2018, recommended that all prosecution decisions should be taken away from An Garda Síochána and given to an expanded state solicitor or national prosecution service. The Report also recommended that the practice of Gardaí prosecuting cases in court should cease. In December 2018 the Government adopted these recommendations in principle and plans a review of the prosecutorial decision making function and the role of Gardaí in presentation of cases in court, in the second half of 2019. If implemented, these recommendations will fundamentally change the delivery of the prosecution service on a national level. While still at a very early stage of consideration, there is no doubt that the implementation of these recommendations, would pose a very significant challenge and would have major resource implications.

Resources

The number of prosecution files submitted to the Office continued to increase over the three-year period of the last Strategy Statement. In addition, the increasing complexity of criminal investigation files and the challenges presented by disclosure in a highly technological environment, have significant implications for this Office in terms of ensuring there are sufficient resources available to deal with this work.

Changes in where work is performed also impacts on resources required. Central Criminal Court cases are now being heard on a regular basis outside Dublin. During 2018, cases were heard in both Cork and Limerick and in the near future cases will also be heard in Waterford. While this development is to be welcomed, servicing these sittings outside Dublin constitutes an additional demand on resources. Similarly, any decision to appoint additional Judiciary to the criminal courts in Dublin in the future will impact on the throughput of cases in the courts and consequently on the resources this Office must make available to service those sittings.

Plans to continue the expansion of the Garda workforce and to redeploy experienced Gardaí to front-line policing duties, will inevitably result in an increase in the number of investigation files submitted to this Office. This development will be closely monitored by this Office to ensure that the necessary resources are made available in the event of a substantial increase in workload.

OPPORTUNITIES

Relationship with Other Agencies

The Office does not work in isolation in the provision of a prosecution service. The criminal justice system involves a range of different organisations and agencies. It is imperative that all those involved establish and maintain strong working relationships. The Office of the DPP considers this to be a fundamental element to the efficient operation of the prosecution service.

We will continue to maintain strong working relationships with other key players in the criminal justice system 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.

Technology

Developments in technology continue to provide us with more efficient and effective ways of doing business, both internally and with our external stakeholders. The Office has introduced a number of innovative ICT initiatives to support the submission of electronic prosecution files and to facilitate the preparation of cases for presentation in court through use of secure, electronic resources. We will continue to develop and embed these initiatives over the lifetime of this Statement. We have also recently embarked on a project to extend our Case Management System to the State Solicitor Service on a national level. This project will be rolled out over the next two years and, when complete, will result in a more streamlined service for both this Office and for State Solicitors representing the Director in courts around the country. In co-operation with our stakeholders, we will continue to work on the development of a system which will facilitate the sharing electronically of operational data with other criminal justice agencies involved in the investigation and prosecution of crime.

Training and Development

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.

A number of staff development initiatives were proposed in response to the Civil Service Employee Engagement Survey. These initiatives are being introduced incrementally in consultation with staff with a view to providing staff with access to

development opportunities other than through formal training courses.

The Office is also involved in the provision of training to external organisations and agencies. This is recognised as a valuable opportunity to promote best practice in the prosecution of criminal offences. It is intended to continue to develop this service over the lifetime of this Statement.

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

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

OBJECTIVE 3: Maintain public confidence in the prosecution service

Strategy	Outcome	Key Measures
<ul style="list-style-type: none"> ▶ Produce and maintain comprehensive and accurate information on the work of the Office in accessible formats ▶ Ensure that adequate resources are secured to support the provision of quality services for victims and witnesses ▶ Ensure that lawyers acting for the Director comply with Office policies and guidelines in their interactions with victims and witnesses 	<ul style="list-style-type: none"> ▶ Public understanding of the work of the Office ▶ Public confidence in the Office ▶ Necessary resources in place to support provision of quality services for victims and witnesses ▶ Victims of crime receive appropriate information and support ▶ Victims and witnesses receive standard of service that is consistent with Office policies and guidelines 	<ul style="list-style-type: none"> ▶ Annual Report and other publications on the work of the Office published ▶ Comprehensiveness, currency and accessibility of information available on website ▶ Requests for reasons and reviews dealt with in a timely manner. ▶ Outcome of reviews of decision not to prosecute. ▶ Number of pre-trial meetings facilitated by the Office ▶ Feedback on services provided for victims and witnesses

ENABLERS

Achieving our objectives will be supported by the following enablers:

People and Structures:

- ▶ 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
- ▶ Engagement with staff to encourage innovation and involvement in enhancing services
- ▶ Involvement with internal and external working groups, committees and networks

Technology and processes:

- ▶ Ongoing development of electronic system of submission of prosecution files
- ▶ Utilisation of technology to securely transfer case related material to counsel, defence solicitors and the Courts Service
- ▶ Presentation of evidence electronically 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
- ▶ 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:

- ▶ 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, Regulation of Lobbying Act, Corporate Governance Standard)
- ▶ Operation of Risk Management Policy

