



Office of the  **Director of Public Prosecutions**

**Strategy Statement 2007-2009**

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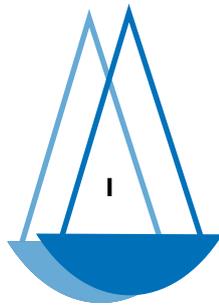
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# Foreword

I am pleased to have the opportunity in this Strategy Statement to set out the challenges and opportunities for the Office of the Director of Public Prosecutions over the next three years in the task of providing an independent, fair and effective prosecution service on behalf of the People of Ireland.

The key priorities ahead are the maintenance of standards in prosecutions, managing new responsibilities conferred on the Office and continuing with the civil service modernisation agenda. We will continue to focus on the timeliness and quality of decisions and actions taken by us, and will further develop our cooperation with other organisations in the criminal justice system in pursuit of the common objective of ensuring the proper and efficient functioning of the criminal justice system as a whole.

Making the victim of crime central to the criminal justice system without compromising the principle that the Office represents the People as a whole remains a major challenge for the Office. In the lifetime of this Strategy Statement we will conclude our examination of the current policy concerning the provision of reasons for decisions not to prosecute to victims of crime and the families of deceased victims.

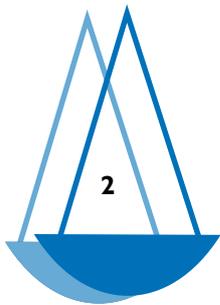
It is now five years since the transfer to the Office of responsibility for the solicitor service relating to criminal trials in Dublin and the appointment of the Chief Prosecution Solicitor to head the Solicitors Division. I look forward to the completion of the negotiations for the transfer to our Office of responsibility for the local state solicitor service dealing with criminal trials outside Dublin which will facilitate a more streamlined and better service to the public.

A major challenge in the years ahead will be ensuring that the new oversight role conferred on the Office by section 8(4) of the Garda Síochána Act 2005 with regard to prosecutions in the District Court by members of the Garda Síochána is effectively discharged.

We in the Office of the Director of Public Prosecutions look forward to the challenges and opportunities that lie ahead.

**James Hamilton**

*Director of Public Prosecutions*



# I The Role of the Director of Public Prosecutions

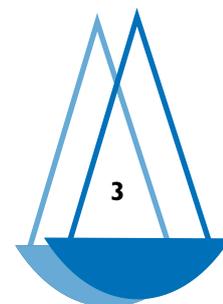
## Statutory background

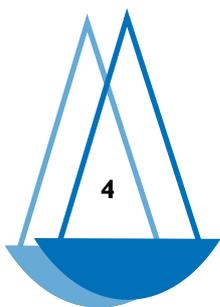
- 1.1** The office of Director of Public Prosecutions (DPP) was established by the Prosecution of Offences Act, 1974, which conferred on the Director “all functions capable of being performed in relation to criminal matters” by the Attorney General immediately before the passing of the Act.
- 1.2** The 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. Save for Sea Fisheries cases, 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”. With the coming into force of section 8 of the Garda Síochána Act 2005 (in February 2007) summary prosecutions conducted by the Garda Síochána must be brought in the Director’s name and subject to his general or specific directions.
- 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 *Guidelines for Prosecutors* and *Code of Ethics* published in 2006 which are available on the Office website at [www.dppireland.ie](http://www.dppireland.ie).

- 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 is assisted by a staff of 67 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 173 staff are employed in the Office of the Director of Public Prosecutions.

## The Public Prosecution System

- 1.7** The public prosecution system in Ireland is a culmination of the work of a number of individual agencies. No one agency can deliver a prosecution system on its’ own. The interaction between the agencies is therefore an essential component in the provision of an efficient and effective prosecution system. The main agencies in the process are as follows.
- 1.8** The Office of the Director of Public Prosecutions, which is divided into three main divisions:
- 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, for 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 hearings, 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 Administration Division provides the organisational, infrastructural, administrative and information services required by the Office and also provides support to both the Directing and Solicitors Divisions.

**1.9** 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, they do so in the Director's name and are subject to any direction the Director may give in respect of that particular prosecution. In addition, they are subject to general directions issued by the Director from time to time following consultation with the Garda Commissioner.

**1.10** 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 the 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' contracts will be transferred to the Director early in the lifetime of this Strategy Statement.

- 1.11** Independent barristers are instructed by the Director to carry out advocacy work in cases heard before a jury or in the Special Criminal Court or the appellate court.
- 1.12** In addition there are a number of specialised investigation 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 & Safety Authority. Their relationship to the Director is similar to that of the Garda Síochána.

## Investigation and Prosecution

- 1.13** 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.

**1.14** 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 does not direct them.

### The Decision to Prosecute

**1.15** The Director and his staff make the decision whether to prosecute and for what offences in all cases tried on indictment and other serious cases. In most instances, summary cases are in practice initiated and prosecuted by the Garda Síochána in the District Court in the Director's name but subject to the Director's instructions both general and specific. A decision by the Garda Síochána whether or not to prosecute does not preclude the Director from deciding otherwise, if the matter is brought to his attention.

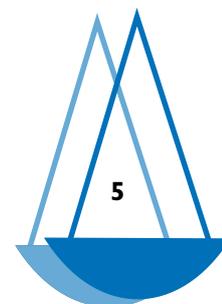
### The Management of the Case after the Decision to Prosecute

**1.16** The overall direction of serious cases after the decision to prosecute rests with the Director and his professional staff. They also take such decisions, as whether to accept a plea of guilty to a less serious charge or whether to appeal a decision.

**1.17** 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 videolink, 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.

**1.18** 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 local 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 or by solicitors from the Solicitors Division of the Office of the DPP.



# 2 Mission Statement

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

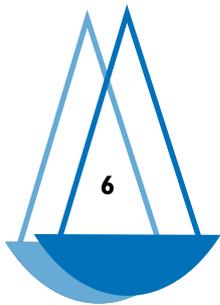
**“To provide on behalf of the People of Ireland a prosecution service that is independent, fair and effective.”**

**2.2 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.

**2.3 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.

**2.4 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.

**2.5 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.



# 3 Environmental Context

## Introduction

**3.1** In order for the Office to provide the highest quality service possible at the most economic cost, it is essential that we continuously take account of the changing environment within which we must operate. There is a range of factors that will impact on the way we do business in the next three years. This statement provides us with an opportunity to outline those factors, to look at the effect they will have on our service, and to set out the measures we will put in place to ensure the delivery of the most effective and efficient prosecution service in light of changing circumstances.

## Legal Environment

### 3.2 Volume and complexity of work:

The volume and complexity of work dealt with by this Office continues to increase.

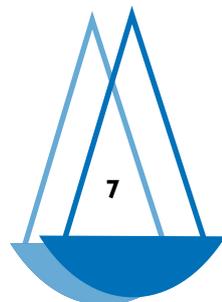
- The number of files received in the Directing Division increased from 6,698 in 2004 to 7,478 in 2005 and 7,803 in 2006. This represents an increase of almost 16.5%. This increase is compounded by an increase in complexity. The increase has taken place despite the fact that the Office has taken steps to delegate certain decision making from the Directing Division to the Solicitors Division and the Garda Síochána. A simple comparison of the number of files therefore underestimates the true increase in the volume of work. Apart from a general increase in complexity involving prosecutorial matters, the files now submitted by the Garda Síochána are in respect of more serious and complex matters. This arises because of the general consent

to summary disposal given to the Garda Síochána in 2001 enabling them to prosecute in more straightforward cases without reference to this Office.

- There is a significant number of specialised regulatory agencies involved in the investigation and prosecution of criminal offences. These include the Revenue Commissioners, the Health & Safety Authority, the Competition Authority, local authorities, and the Environmental Protection Agency. Files received from specialised investigating agencies are invariably voluminous and involve complex legal issues. This is particularly so in the case of files relating to workplace fatalities, planning and waste management cases, revenue matters and competition issues. Examination of these files is therefore extremely resource intensive.

- The number of files being dealt with by the Judicial Review Section of the Solicitors Division has increased dramatically in the past three years. In 2004 the total number of files dealt with was 299. By the end of 2006 this figure had increased to 358 - an increase of almost 19.7%. As well as the increase in volume the Office has noted a significant increase in the complexity of these files.

**3.3 Section 8, Garda Síochána Act:** Section 8 of the Garda Síochána Act 2005 creates a new oversight role for this Office with regard to prosecutions taken in the District Court by members of the Garda Síochána. This oversight role provides for the Director issuing both general and specific directions with regard to the approximately 350,000 District Court prosecutions



(including indictable cases dealt with summarily) taken by members of the Garda Síochána each year. In addition, the Director may give, vary or rescind directions concerning the institution or the conduct of such prosecutions and may prohibit the taking of prosecutions by members of the Garda Síochána in specific types of offences or in specified circumstances. This represents a very significant increase in the responsibilities to be discharged by this Office and a substantial challenge for the future.

**3.4 Sea Fisheries Prosecutions:** The Sea Fisheries and Maritime Jurisdiction Act 2006 will result in responsibility for the prosecution of sea fisheries and maritime prosecutions being transferred from the Attorney General's Office to this Office. At the time of writing discussions are ongoing with the Attorney General in order to ascertain the resource implications for this Office when the Act comes into force.

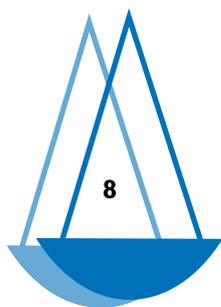
**3.5 Asset Seizing:** The Criminal Justice Act, 1994 enacted certain remedies regarding the confiscation of a convicted persons' profits from criminal activity. The sums involved in some cases can be substantial. All monies collected are paid into the Central Fund and therefore represent a benefit to the State. While for some offences it is mandatory that the Court inquires into the existence of such assets, it is not mandatory for all offences. This Office is therefore working with the Garda Síochána and the Courts to seek to ensure that the provisions of the Act are given effect to the greatest extent possible. This is particularly resource intensive work. We have sought extra staff to enable us to devote more resources to this area of work, including the processing and

implementation of Confiscation Orders pursuant to sections 4 and 9 of the Criminal Justice Act, 1994, as amended by section 25 of the Criminal Justice Act, 1999; forfeiture of cash seized pursuant to section 38 of the Criminal Justice Act, 1994; and Restraint Orders.

**3.6 European Arrest Warrants:** Prior to the enactment of the European Arrest Warrants Act, 2003 the drafting and securing of warrants for the arrest of persons wanted in connection with criminal offences in this jurisdiction was a matter for the Garda Síochána, with only the requirement for approval from this Office. However, since the introduction of the Act, the Office of the Director of Public Prosecutions must settle drafts and make all applications for European Arrest Warrants. This represents a significant body of work which it is envisaged will continue to draw on the resources of this Office.

**3.7 Extra Courts:** The creation of new courts and the expansion of criminal sittings in the District Courts and Circuit Courts is a trend that is set to continue during the lifetime of this Strategy Statement. In addition, in the last two years there has been an approximate threefold increase in the number of days on which the Court of Criminal Appeal sits. These developments are to be welcomed as they serve to address backlogs of cases and improve disposal times. However, there are resource implications for this Office in providing staff to cover these additional sittings.

**3.8 Prosecution Policy:** The Office of the Director of Public Prosecutions is frequently asked for opinions on policy issues arising from proposed legislation, policy documents emanating



from the European Union or enquiries from international bodies such as the Organisation for Economic Co-operation and Development (OECD). To date this work has been done by staff in our Directing Division in conjunction with their core work on prosecution files. Because of the significant volume of reports and the time consuming nature of this work it has been decided that a dedicated Prosecution Policy Unit should be established within the Office. The Prosecution Policy Unit will also be responsible for the formulation of internal Office policy and in the context of section 8 of the Garda Síochána Act 2005, policy issues arising in prosecution work undertaken by the Garda Síochána. The Director has recently sought the necessary resources to establish such a unit and it is hoped that they will be made available during 2007.

**3.9 Reasons Project:** This Office is currently researching its long-standing policy of not giving reasons for a decision to prosecute or not to prosecute in particular cases. Although reasons are given privately to the Gardaí where a prosecution is not brought, there has traditionally been a general policy of not giving reasons either to victims of crime or members of the public generally. The Office's policy of not giving reasons has sometimes been the subject of controversy or criticism, with the absence of any official account of the lack of prosecution prompting adverse media comment, especially when high-profile criminal investigations have failed to result in a prosecution. The research examines the policy and the factors that support it. It also assesses the approach of other jurisdictions to the issue, particularly the practice of England and Wales and Northern

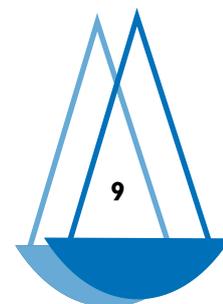
Ireland. The value of the introduction of a policy of providing reasons for decisions not to prosecute in practical terms as well as legal terms is also being reviewed. It is hoped that the research will be completed in mid 2007. Should a decision be taken to change the current policy on this issue it is likely to have considerable resource implications for this Office.

**3.10 Public Scrutiny:** The increased strength of groups representing victims and public concern about the plight of victims, together with public concern about issues relating to crime, and in particular organised crime, have led to a situation where, notwithstanding the policy of not giving public reasons for decisions, the work of the Office is increasingly carried out in the glare of intense public and media scrutiny.

## Management and Governance Environment

**3.11** The Office recognises that it is essential to ensure it has appropriate management and governance procedures in place if it is effectively to discharge its responsibilities. During the life of this Strategy Statement the Office will rely on the management and governance framework developed over the life of the last two Strategy Statements to build on a range of initiatives already undertaken and to deliver on new initiatives.

**3.12** A number of principles underpin the management and governance framework of the Office. Principal amongst these are the civil service Strategic Management Initiative (SMI), active Partnership structures, and an independent Audit Committee which supervises the internal audit function of the Office.



**3.13** SMI has been one of the drivers of change within the Office for some time now. At the core of SMI is a philosophy of setting measurable objectives and clearly assigning responsibility for the delivery of these objectives. Central to this is the development of business plans for work areas and linking these to individual performance targets. Having set the targets it is essential to then measure the performance achieved against the targets.

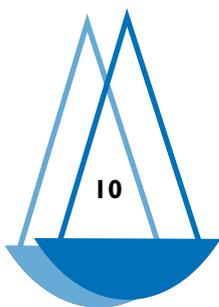
**3.14** While managers in the Office are clearly responsible for ensuring the delivery of performance targets, the Office is of the opinion that this responsibility also falls on all its staff. The sum of the contribution of every individual member of staff is in effect the performance of the Office. Because of the crucial importance of staff commitment to the delivery of our goals, the Office has worked to build strong Partnership structures. These structures act as a vehicle not only for staff opinion to be articulated but also as a vehicle to harness the energy and creativity of staff in developing responses to the challenges facing the Office.

**3.15** One challenge is ensuring that staff and managers of the Office have the necessary skills to work in the challenging environment within which they now operate. We have utilised the Civil Service Performance Management and Development System (PMDS) as the framework within which to manage this challenge. During the life of this Strategy Statement the Office will fully implement the new Integrated Model of PMDS. This model has been implemented for familiarisation purposes during 2006 and will be operated fully in 2007. The Integrated Model brings all elements of performance management

and development within one framework, rather than having a number of separate parallel assessment models in place. Like other aspects of PMDS within the Office, the introduction of this new aspect has and will continue to be managed through our Partnership structures.

**3.16** The new Integrated Model of PMDS will go hand in hand with a renewed focus on the training and development over the life of this Strategy Statement. A high level Training Steering Group has been established to drive this process. The normal training and development needs of staff will continue to be met as before. However the Training Steering Group is placing a particular emphasis on three areas. The first will be a greater emphasis on induction training of new entrants into the Office. The second will be the delivery of a new round of management training to build on management training programmes delivered over previous years. The third area of particular emphasis will be the development of our knowledge management strategies to better capture and disseminate the range of knowledge which resides within the Office, particularly with regard to prosecutorial matters.

**3.17** Having well trained staff who are working to and having their performance assessed against clear objectives, is at the core of this Strategy Statement. An overriding prerequisite for this is that accurate and detailed information be available against which to measure performance at both an individual and also an organisational level. Attention was drawn in our Strategy Statement 2004-2006 to the fact that the Office simply did not have the IT systems necessary to manage effectively its



expanded remit. During the life of the last Strategy Statement an IT strategy was developed to address this problem. A commitment to funding for the development of a Case, Document Management and File Tracking (CDMFT) system was also secured.

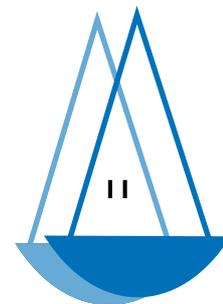
- 3.18** A contract was signed in December 2005 for the development and implementation of a new CDMFT. The analysis phase of this project is now complete and the development phase has commenced. The system will act as a single point of access for all of our legal cases and will be used by both legal divisions. Each case will be entered only once and will have a single case reference number. All outgoing case-related correspondence will be generated on the system directly from the case and stored there for future reference. The new system is scheduled to go live around the mid point of this Strategy Statement.
- 3.19** The new CDMFT system will provide significantly more detailed management information. The improved quality and comprehensiveness of this information will be a critical support to the delivery of the objectives set out in this Strategy Statement. The information provided by the CDMFT system will also be a key element in the performance reports which will be published over the life of this Strategy Statement.
- 3.20** The Office is conscious that those who make assessments with regard to its performance will weigh the information they receive, either consciously or unconsciously, against how reliable they believe it to be. Accordingly, we place great importance on having an independent Audit Committee which supervises the internal audit function

of the Office. The Audit Committee has external members from outside the public service, one of whom serves as Chairman. The internal audit function is provided by an independent accountant.

- 3.21** The Audit Committee's Charter states that the role of the committee is to review systematically the control environment and governance procedures in the Office and provide reports and advice to senior management. During the life of this Strategy Statement the Audit Committee will supervise audits across all areas of the work of the Office. It will also keep under review the risk management strategies in place and assess how comprehensively they meet the challenges facing the Office.

## Organisational Issues

- 3.22 State solicitors:** As was reported in our last Strategy Statement the one remaining recommendation of the Public Prosecution System Study Group yet to be implemented is the transfer of responsibility for the State Solicitor Service from the Attorney General to the Director of Public Prosecutions. Much of the preparatory work required to give effect to this transfer has been completed in the last three years. The necessary legislation has been enacted. Detailed negotiations on a new contract to place the State Solicitor Service on a modern footing have, at the time of writing, almost reached conclusion. It is anticipated that the transfer will take place early in the lifetime of this Strategy Statement. While the transfer will give effect to a more streamlined prosecution service, the management of the State Solicitor Service will represent a significant additional responsibility for this Office.



### 3.23 Single Office Accommodation:

The relocation of the Office to a single premises was a priority objective in our last Strategy Statement. The Office is currently spread over two locations and due to chronic overcrowding is now likely to have to acquire a third building. The dispersal of staff over a number of locations mitigates against the planned organisational integration envisaged by the Public Prosecution System Study Group. While some progress has been made in identifying a potentially suitable building near the new planned criminal courts complex, further progress is dependent on the successful de-centralisation of the current occupants to a new building outside Dublin. It is understood that this may take two to three years to finalise. In the meantime this Office is now faced with moving some of its staff to a third building. This will of course fragment the organisation even further and is far from ideal.

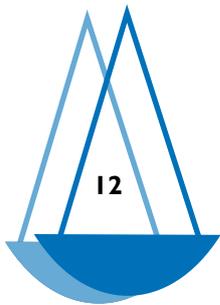
## Relationship with Other Agencies (National/ International)

**3.24** In order to provide services to the highest standards, it is essential for the Office to establish and maintain strong working relationships with many agencies and people. The efficient operation of the Office depends to a significant extent on the way its staff interacts 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.

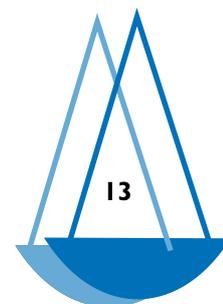
**3.25** The Office does not have a lawyer and client relationship in the strict sense with the Garda Síochána, other investigation agencies, or individual members of the public. Nevertheless it is the policy of the Office that in terms of promptness and standard of response these should be treated as 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.

**3.26** 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, the Health & Safety Authority, and local authorities.
- Victims of crimes who are provided with certain rights and assurances under the Prosecution Service



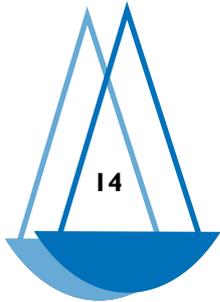
- Charter and the Quality Service Charter of the Office of the Director of Public Prosecutions.
- The Forensic Science Laboratory, the State Pathologists and the Medical Bureau of Road Safety, all of whom provide independent expert evidence in relation to criminal matters.
  - The Criminal Assets Bureau, which, acting as a specialised unit of the Garda Síochána, submits investigation files to this Office, and implements 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.
  - The European Union, in relation to recommendations in the area of criminal law and procedures.
  - EUROJUST which is responsible for coordination among EU prosecutors concerning transnational crime.
  - OLAF (Office Européen de Lutte Anti-Fraude) which was established in 1999 as an operationally independent office to protect the financial interests of the European Communities against fraud and corruption.
  - GRECO which was set up under the auspices of the Council of Europe to monitor, through a process of mutual evaluation and peer pressure, the observance of the Council's *Guiding Principles in the Fight Against Corruption*.
  - OECD (Organisation for Economic Co-operation and Development).
  - Prosecution agencies abroad, in particular prosecution agencies from common law jurisdictions.
  - 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 Key Objectives

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

1. Understand the law and context of operation of the Office.
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.



# 5 Delivering on Key Objectives

**5.1** 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 that are essential to the achievement of these key objectives are set out in chapter 6.

## 5.2 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 available to the office as a whole
- Deliver an induction programme to all recently recruited staff 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:

- Number of hours professional development education delivered
- System for dissemination of information in place and continuously reviewed
- Timeliness and quality of information about legal developments monitored
- Knowledge management strategy operational
- Staff to receive induction training within 3 months of commencement of employment

## 5.3 Key Objective 2:

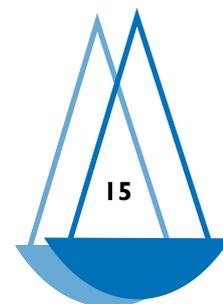
Develop vision and strategy for the future direction of the Office

### 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 that objectives are met:

- Management Advisory Committee (MAC) to maintain its focus on strategies for future direction of the Office within the criminal justice system
- Ensure all functions and 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 greater co-ordination between the two 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 Strategy Statement
- Staff with required skills in place and contingency procedures in place
- Efficiencies and effectiveness gained from greater co-ordination between the two legal divisions within the Office
- Structures in place including Business Plans for all Units; IT Strategy; HR Strategy; PMDS; and Partnership Committee
- Required Management Information Systems in place

#### 5.4 Key objective 3:

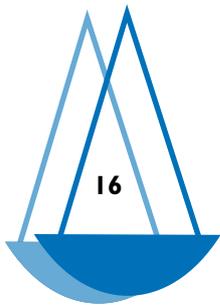
Design operating processes and systems to achieve independent, fair and effective prosecutions

#### Key Requirements to meet objective:

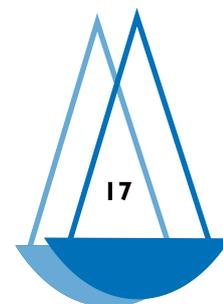
- Consistent standards applied by and on behalf of Office in prosecution process
- Effective and comprehensive support services
- Decision makers in process properly informed
- Management have appropriate information to manage
- Decisions and actions taken at appropriate level both within and outside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

#### Strategies to ensure that objectives are met:

- Establish a Prosecution Policy Unit to formulate policy in relation to prosecution matters
- Implement systems for the monitoring of consistency of standards
- Ensure *Guidelines for Prosecutors* and *Code of Ethics* adhered to
- Establish a system to ensure all communications from stakeholders are dealt with in an appropriate manner
- Review existing procedures in relation to the giving of reasons for prosecutorial decisions
- Have in place a complaints handling system and monitor and review complaints received



- Have procedures in place to ensure all sentences which appear to be unduly lenient are considered and reviews are sought where appropriate
  - Devote extra resources to the implementation of the remedies available for the confiscation of the proceeds of crime
  - Monitor 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.
  - Have in place administrative services that 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
  - Develop strategy for delegation of decision-making function to appropriate level whether within or outside organisation
- Performance Indicators:**
- Prosecution Policy Unit in place and policies developed
  - Uniformity of application of standards and approach
  - Compliance levels with *Guidelines for Prosecutors* and *Code of Ethics*
  - highlighted by case audits and mechanism for dealing with complaints
  - Timeliness of decisions and conduct of cases
  - Proportion of directions carried out
  - Timescale within which decisions are implemented
  - Completion of review on the giving of reasons for prosecutorial decisions and recommendations implemented
  - Communications dealt with in a timely and appropriate manner
  - Complaints handled in accordance with policy guidelines
  - Number of appeals lodged and outcome
  - Number of cases in which proceeds of crime confiscated and value of proceeds
  - Fair and transparent system for selection of Counsel operational
  - Briefs assigned to Counsel in compliance with section 7 of the Prosecution of Offences Act, 1974
  - Evaluation of performance of Counsel
  - Level of satisfaction with administrative support services
  - Percentage of cases where additional information required
  - Analysis of case outcomes through Management Information Framework (MIF)
  - Volume of outputs related to staff numbers
  - Operation of comprehensive delegation strategy



## 5.5 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:

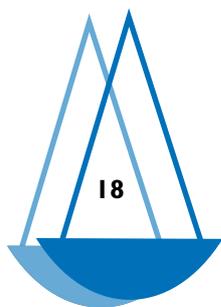
- Agreement on roles of participants
- Exchange of information between all participants in the criminal justice system both national and international
- Proper treatment of victims and witnesses
- Contribute to and participate in national and international groups and organisations
- Co-operation in the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

### Strategies to ensure that 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
- Maintain 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 for the Garda Síochána
  - 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
- Promulgate and keep under review general directions to the Garda Commissioner under section 8 of the Garda Síochána Act 2005

- Maintain top-level liaison with other key actors in the criminal justice system through meetings of the Criminal Justice Group
- Contribute to the reform of criminal law and efficiency of the criminal justice system by referring problems which arise in practice to: the Attorney General; the Minister for Justice, Equality and Law Reform; other relevant Ministers; the Law Reform Commission; the Courts Service; the Judiciary; or the two branches of the legal profession, as appropriate
- Develop operational procedures to give effect to commitments in Prosecution Service Charter & Quality Service Charter of the Office of the Director of Public Prosecutions
- Continue to liaise with the Garda Síochána and 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 professional witnesses in order 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
- Ongoing liaison with professional witnesses or their representative groups
- Number of meetings and ongoing liaison with victim representative groups
- Satisfaction levels in relation to service delivery to victims of crime
- Contributions to the work of international organisations
- Number of, and attendance levels at, conferences organised
- Progress of working groups and committees
- Currency of information available on developments in other jurisdictions

## 5.6 Key Objective 5:

Maintain accurate public expectations of service

### Key Requirements to meet objective:

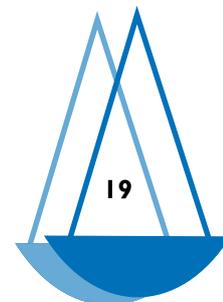
- Public understanding of the work of the Office
- Public confidence in the prosecution process

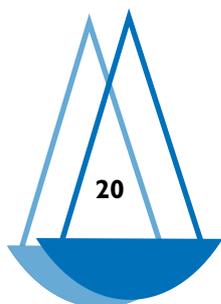
### Strategies to ensure that objectives are met:

- 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, Guidelines for Prosecutors, information booklets and other Office publications
- Maintain a bi-lingual website that is accessible and contains information relevant to the target audience

### Performance Indicators:

- Inter-agency agreements in place
- Number of meetings of Garda Liaison Committee
- Number of meetings of the Criminal Justice Group
- Number of training days provided to the Garda Síochána
- Number of general directions issued under section 8 of the Garda Síochána Act 2005
- Percentage of cases where additional information is required
- Number of submissions made on reform of criminal law





- Treat victims and witnesses of crime with sensitivity and understanding in accordance with the undertakings given in the Prosecution Service Charter & Quality Service Charter of the Office of the Director of Public Prosecutions
- Have in place Quality 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
- Promote openness and public awareness of role of Office
- Number of public interviews given; presentations made at conferences and seminars; and articles published

#### Performance Indicators:

- Publication of comprehensive Annual Report within 6 months of year end
- Number of publications issued by the Office
- Number and extent of distribution of information booklets
- The currency and accessibility of information available on website
- Analysis of usage of website
- Evaluation of complaints received
- Revised Quality Service Charter and Action Plan published
- Complaints handling policy in place
- Review of policy on giving of reasons for prosecutorial decisions completed and published

# 6 Critical Success Factors

**6.1** 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.

## Factors outside of the control of the Office

**6.2** A number of initiatives have been highlighted in this Strategy Statement as being essential to the delivery of a quality prosecution service in the changing environment within which the Office operates. The implementation of those initiatives is dependent upon necessary additional resources being made available to the Office of the Director of Public Prosecutions. During 2006 the Director sought resources to deal with many of these initiatives. Sanction for these additional resources was received in January 2007.

**6.3** While substantial additional resources have been sanctioned, it is the case that further additional resources will be required to implement other initiatives outlined in the Strategy Statement, such as taking over responsibility for Sea Fisheries prosecutions from the Attorney General or taking on a greater role with regard to sentencing. Equally, the recommendations of the project which is examining the giving of reasons for prosecutorial decisions, may give rise to a requirement for additional resources. The level of additional resources such initiatives will necessitate will become clear only over the life of this Strategy Statement.

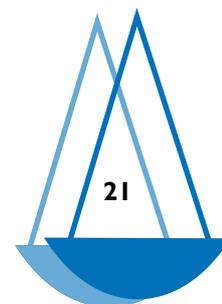
**6.4** The necessity to locate the entire Office in one building is a matter of some urgency. Until such time as a single building of adequate size is made available the Office's ability to deliver on the objectives set out in this Statement will be undermined. Should the Office continue to be split over a number of locations this will have an adverse effect on the quality of the service provided.

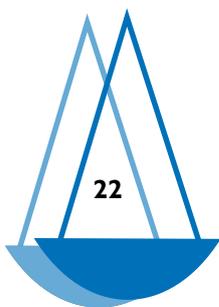
**6.5** At time of writing, negotiations on contract and terms in relation to the transfer of responsibility for the State Solicitor Service to the Director are at an advanced stage. It is anticipated that agreement will be reached in mid 2007. However, the decision regarding whether to sign new contracts with the Director will ultimately be a matter for each individual local state solicitor.

**6.6** While this Office will endeavour to ensure the most effective use of resources within the criminal justice system by encouraging the co-ordination of the activities of the various agencies and bodies concerned, the success of this will ultimately be dependent upon the level of co-operation of the other agencies.

## Factors within the control of the Office

**6.7** 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.





**6.8** 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 (PMDS).

**6.9** Necessary specialisation of staff must be planned for in order to meet the continuing demands of increasingly complex and new areas of criminal law.

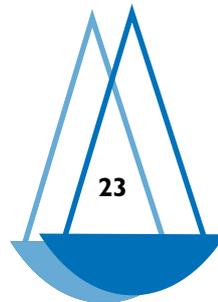
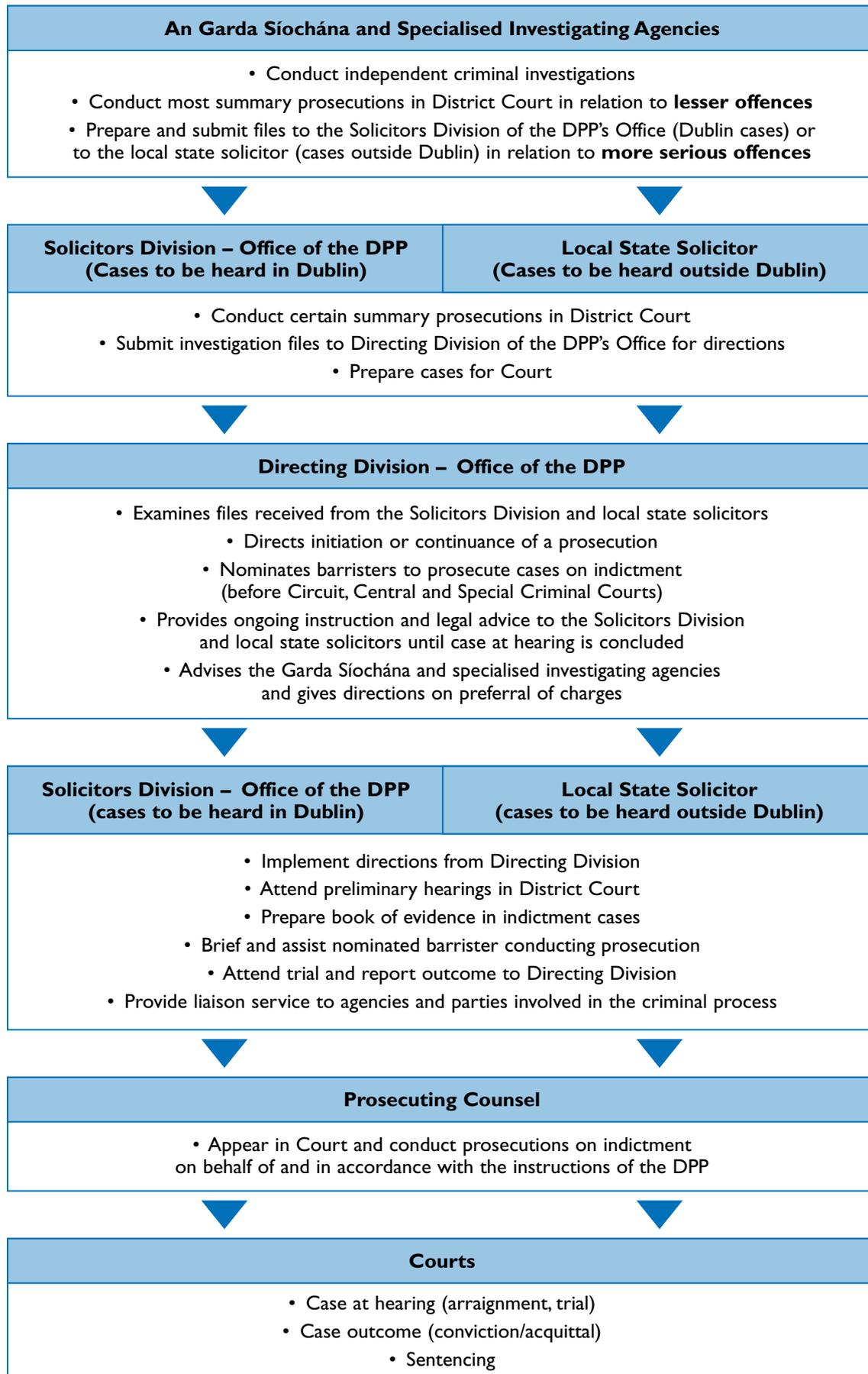
**6.10** It is essential to provide a career structure that ensures an interesting and satisfying career for staff, with opportunities for advancement, thereby helping the Office retain its staff and their considerable knowledge and skills.

**6.11** 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.

**6.12** As already stated, the new Case, Document Management and File Tracking System is due to go-live during the life of this Strategy Statement. Once the system is operational we must ensure that it is implemented and managed effectively and that the training needs of all staff are delivered in a timely manner.

**6.13** Once the requisite resources have been obtained, this Office will oversee the establishment of the Prosecution Policy Unit. A business plan will be drawn up outlining the objectives and goals of the unit. The required complement of staff will be engaged to ensure that the objectives are met within the timeframes specified in the business plan.

# 7 Outline of the Criminal Prosecution Process



# 8 Organisation Structure

