

Attorney General, members of the judiciary and An Garda Síochána, prosecutors, ladies and gentlemen. It gives me great pleasure to welcome you to the 19th Annual National Prosecutors' conference. As ever we have a number of interesting speakers on a range of topics today and I will briefly touch on some of the themes raised.

Firstly however, I want to mark the sad and untimely passing of Marie Torrens B.L. in recent days. Her funeral took place earlier this morning. Marie was a prosecutor since 1995 and gave very committed public service on behalf of the prosecution in many cases over 23 years. I personally knew Marie since we first met on either side of cases in the 1990s and she was always a pleasure to deal with. Indeed, she was universally well-liked both by her colleagues in the Law Library and by my own staff who instructed her. I know that by dint of her seniority at the criminal bar she was a respected and generous mentor, especially to her more junior colleagues. I am sure I speak for everyone here when I say that she will be sadly missed. On all of your behalves I want to extend our sincerest condolences to her family on her untimely death. May she rest in peace.

Before I move on to the themes of the conference I want to take this opportunity to refer to the report of the Commission on the Future of Policing which was published in September. One of the many recommendations contained in that report related to the organisation of the prosecution system in Ireland. In Chapter 7 (paragraph 6) the Commission recommends that "the practice of police prosecuting cases in court should cease".

As many of you will be aware the Garda Síochána currently prosecutes almost all cases in the District Court outside of Dublin, and prosecutes the vast majority of cases in the District Court in Dublin. Approximately 220,000 district court summonses are prosecuted every year across the State. My Office deals with almost 14,000 of the most serious criminal cases, directing on all indictable crime and managing prosecutions and appeals dealt with in all courts above the District Court. The prosecution system is therefore very dependent on the work of An Garda Síochána in prosecuting crime in every District Court across the State.

Additionally, the Commission recommends that "all prosecution decisions should be taken away from the police and given to an expanded State Solicitor or National Prosecution Service". At present Gardaí at Inspector and Superintendent rank make a lot of prosecutorial decisions in more minor matters on foot of a delegation by me under section 8 of the Garda Síochána Act 2005.

The system that we currently have followed a complete examination of the prosecution system in this country 20 years ago by a working group chaired by Dermot Nally, former secretary to the Government. At that time its extensive deliberations included consultations with all the relevant agencies and research into other prosecution systems abroad. The ensuing report reflected the complexities and resources involved in any change to the system.

I should say very clearly that 20 years on from the Nally report it is timely that the issues it considered in great detail ought now to be the subject of further appraisal. However, should the Government wish to implement this recommendation, either in whole or in part, it would mean a major reorganisation of the prosecution service. It is therefore incumbent on us all to ensure that it is based on a similar serious consideration of the implications, the costs and the benefits which it may afford, based on a careful examination of best international practice in comparable jurisdictions.

Other changes within the criminal justice system that have recently been mooted include the Law Reform Commission Report on Regulatory Powers and Corporate Offences published just last week. This is a very large and extensive report, the Commission's largest ever I believe, and contains many recommendations.

The report is timely coming as it does in the same year that the prosecutions arising out of the banking crisis have concluded. We will hear from Sinéad McGrath B.L. later about some of the legal issues arising in the so called 'back to back' trials of 2016 and 2018. I am very pleased that Sinéad has agreed to speak regarding the complexities of presenting documentary and other evidence in these trials. This is I think an opportunity for the experience that we have gained in these large white collar trials to be shared with all of our colleagues. This is particularly so when one considers that admissibility and other issues relating to the presentation of extensive documentary evidence apply equally in other less complex trials, and are only going to become more common in the years ahead. Sinéad talks about navigating the documentary 'minefield' but I think her presentation will demystify this area.

I would like to acknowledge the exceptional work done over several years, eight years in fact, by a small team comprising both staff of my Office and junior and senior counsel. I want to thank them all for their efforts in each and every case.

Sinead will give you some idea of the scale of the undertaking involved in dealing with these banking cases. The trials themselves were of record length and were particularly protracted, in my view, due to the absence of a statutory pre-trial procedure. I have spoken about this on a number of occasions. Indeed, at my first conference as Director, in 2012, it was my one wish for the Criminal Justice System during my tenure. It is as mundane yet as significant a wish now as it was then, but I still look forward to its achievement. As I noted at last year's conference, a draft provision is included in the Criminal Procedure Bill 2015, and I note it is now on the priority list of legislation for the current Dáil term. I do not think it is to overstate the position to say that an effective pre-trial provision is now urgent, not only for white collar criminal cases but also for the wide range of other criminal offences including sexual offences where protracted legal argument has become the norm.

The Law Reform Commission in its recent report, in the context of proposing a new statutory investigation agency to deal with corporate offences, has also recommended the establishment of a dedicated unit in my office to work in close liaison with such a new agency.

Of course there is already a unit in my office (led by Henry Matthews) which was first established in 2011 to deal with the banking cases. Since the middle of 2016 this unit has also been dealing with a number of other large financial crime cases including some corporate crime cases, investigated primarily by GNECB and ODCE.

However, I note the recommendation of the Law Reform Commission that the unit in our Office that interacts with the new agency would be properly resourced. It is to be expected that any new agency, with a multi-disciplinary approach to corporate crime, would inevitably investigate and submit more cases. We would therefore require additional resources to fully meet the requirements of these very complex and sometimes voluminous cases.

There has been an undoubted increase in the volume of material arising generally in criminal investigations. This is currently most acute, as Sinead will illustrate, in the area of financial crimes. Right across the range of criminal offences from sexual offences to child pornography to drug offences to robbery, digital evidence and other forms of evidence are increasingly prevalent. As prosecutors we are all dealing with vast amounts of data arising from the widespread use of CCTV cameras, phone records, and electronic evidence including emails and social media messages and posts. This presents its own challenges both in terms of presentation of evidence and disclosure of unused but relevant material.

When it comes to collecting evidence, for example from social media websites, issues of jurisdiction come into play and therefore I am delighted to welcome Bertrand de La Chapelle who is going to address us on some of those issues. This is a growing area for prosecutors around the world and especially in my office where, for example the number of mutual legal assistance requests has gone up dramatically, partly owing to the necessity to secure electronic evidence from social media websites abroad. I look forward to hearing what he has to say.

We will also be hearing from Chief Superintendent Declan Daly of An Garda Síochána who will address us on the future plans of the Gardaí in relation to the investigation of sexual crimes. I am aware that a number of protective services units have already been established on a pilot basis and I look forward to hearing more as to how the Gardaí envisages approaching these investigations in the future.

One year on from the enactment of the Victims of Crime Act in Ireland it is imperative that we maintain a very strong focus on the position of victims within the entire criminal justice system, from investigation to conclusion of their case. It is to be hoped that the special

measures brought in by the Act, some augmenting measures that were already there, will be fully utilised in appropriate cases to alleviate the stress on individual victims. We will return to the topic of dealing with victims with particular emphasis on the services we as prosecutors provide.

Finally, I am delighted to welcome Dr. Martina McBride from Forensic Science Ireland. Her title 'The tracks less followed' is intriguing and she will be enlightening us on the compelling evidence that can be gathered from marks. In an era that is dominated by DNA evidence it is very important for us as prosecutors and investigators to remember all of the other strands of forensic evidence that can be crucial in underpinning a prosecution.

I thank all of our speakers for giving their time to prepare papers and present to us today.

Before I conclude I want to mention two changes among the complement of State Solicitors. I congratulate John Hughes former State Solicitor for Co. Offaly who was recently elevated to the District Court bench. John was State Solicitor for six years and I thank him for his very professional service and wish him every success in his career on the bench.

Secondly, I want to mention Vincent O'Reilly who after no less than 36 years' service as State Solicitor for Co Meath is retiring in January next. As this is his last annual conference I want to thank him for the excellent service he has provided to the State and the DPP's Office over so many years. Meath has become an increasingly busy county and Vincent dealt with all changes and demands with characteristic good humour and great professionalism.

I also want to welcome the various new counsel for whom this is their first conference having been added to our panels during the year.

Finally, as ever I want to thank all of you – the staff of the Office, all of our State Solicitors and the many independent counsel who represent the prosecution – for your unremitting commitment and hard work. Thanks are due not least for your co-operation this year in adapting to the new data protection regime. I am extremely grateful to all those prosecutors who over the last number of years have adapted to the many changes that have become an inevitable part of prosecuting crime in this country. You all provide a highly professional service often in difficult and urgent situations.

I also as ever want to thank the other stakeholders in the criminal justice system many of whom are here today for your continued support and co-operation.

Thank you for your attention and I hope you enjoy the conference.