

POLICY ON THE GIVING OF REASONS FOR DECISIONS NOT TO PROSECUTE

It is the intention of the Office of the Director of Public Prosecutions to pilot a policy change on the giving of reasons for decisions not to prosecute. The policy will operate on the following basis:

1. The policy change will be confined to alleged offences where a death has occurred including:
 - murder
 - manslaughter
 - infanticide
 - fatalities in the workplace
 - fatal road traffic accidents
2. Reasons for decisions not to prosecute, or to discontinue a prosecution, will be given on request to parties closely connected with the deceased, such as:
 - members of the deceased's family or household;
 - their legal or medical advisers; or
 - social workers acting on their behalf
3. Reasons will be given only in circumstances where it is possible to do so without creating an injustice. This would include situations where the giving of a reason would:
 - expose potential witnesses or other persons to injustice such as by taking their good name;
 - reveal the identity or existence of confidential sources or confidential methods or procedures of law enforcement; or
 - have an adverse effect on law enforcement.
4. The reason given should where possible be sufficiently detailed to enable the interested party to understand why the decision was taken.
5. The policy will apply to decisions not to prosecute, or to discontinue a prosecution, made in respect of offences involving a death where the alleged offence occurred on or after 22 October 2008.

6. Reasons for decisions will be communicated to interested parties in writing. It is not proposed within the scope of this pilot policy change to offer face-to-face meetings with interested parties. Persons who come within the scope of paragraph 2 above and who want to know the reason for a decision not to prosecute or to discontinue a prosecution should write to the Director of Public Prosecutions, 14-16 Upper Merrion Street, Dublin 2.
7. The Office of the DPP anticipates this policy will operate at least until 1 January 2010. A comprehensive evaluation of the policy will be undertaken during that period. Subject to a satisfactory evaluation of the operation of the policy, consideration will be given to extending the policy to other serious cases including sexual crimes.
8. It is important to note that this new policy is in addition to, and leaves unaltered, the long-standing rights of victims and their families to:
 - request the DPP to review a prosecutorial decision
 - meet with the prosecution team before a trial
 - request the DPP to seek a review of an unduly lenient sentence

22 October 2008