

Oifig an  
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**Director of Public Prosecutions**

## **Strategy Statement 2010-2012**

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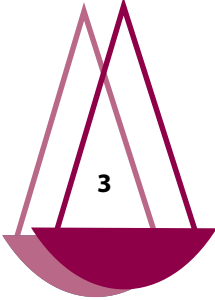
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# Foreword

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I welcome 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.

In common with most public sector organisations, one of the most challenging issues for my Office during the lifetime of this Strategy Statement will be to maintain standards of service in the face of the limitations imposed by the current economic climate. The prosecution of criminal offences is essential for the protection of society. While cutbacks in the public sector will undoubtedly impact on the way we do our work, we cannot compromise the standards of prosecution.

The key priorities for my Office over the course of this Strategy Statement will be the maintenance of standards in prosecutions, the development of prosecution policy and the effective management of the prosecution service having regard to the principles set out in the *Transforming Public Services Programme*. We will continue to focus on the timeliness and quality of decisions and actions taken by us, we will also further develop our cooperation with other organisations in the criminal justice system in pursuit of our common objective of ensuring the proper and efficient functioning of the criminal justice system as a whole.

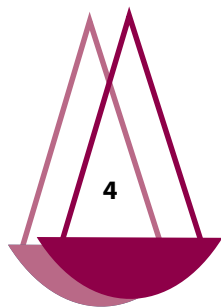
A major challenge in the next three years will be the evaluation of the pilot policy on the giving of reasons for decisions not to prosecute and the consideration of whether the policy should be extended to include other categories of crime. The pilot was launched in October 2008 in an effort to make victims of crime and their families central to the criminal justice system without compromising the principle that the Office represents the People as a

whole. Under the pilot policy reasons are given on request to a member of a victim's family or household, when it is decided not to prosecute in a case where a death occurred on or after 22 October 2008. It is my intention to carry out an evaluation of the implementation of the pilot policy and to publish a report early in the life of this Strategy Statement.

In previous Strategy Statements I have drawn attention to the fact that my Office is located in two separate buildings. It would make for a much more effective use of resources and lead to greater efficiencies if all divisions of the Office were located in a single building. While much work was done in co-operation with the Office of Public Works over the last number of years in trying to bring this about, the current economic climate appears to make this difficult to achieve in the near future. However, we will continue to pursue this objective in the belief that, in the long term, it will make for a more effective and efficient prosecution service.

**James Hamilton**

*Director of Public Prosecutions*



# 1 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. 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”. Under section 8 of the Garda Síochána Act, 2005 Garda prosecutions must be brought in the name of the Director 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* 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.

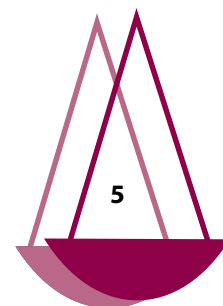
- 1.6 The Director is assisted by a staff of 83 legal professional officers, both solicitors and barristers, whom he has statutory power to direct to perform any of his functions on his behalf. A total of 196 staff are employed in the Office of the Director of Public Prosecutions.

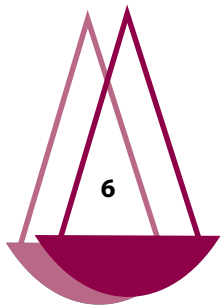
## The Public Prosecution System

- 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 Director of Public Prosecutions and his staff:** The Office of the Director of Public Prosecutions has 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 of 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, on a contract basis, provide a solicitor service in their respective areas to the Director.

**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. They include the Revenue Commissioners, the Competition Authority, the Office of the Director of Corporate Enforcement, the Health & Safety Authority and the Garda Ombudsman Commission. Their relationship to the Director is similar to that of the Garda Síochána. However, some may bring summary prosecutions in their own name.

## 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

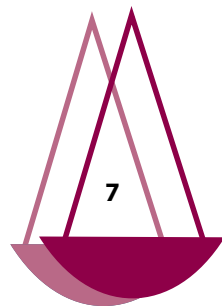
- 1.15** The Director and his staff make the decision whether to prosecute and for what offences in all cases tried on indictment and other serious cases. Summary cases are initiated and prosecuted by the Garda Síochána in the District Court in the Director's name but subject to the Director's instructions 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

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

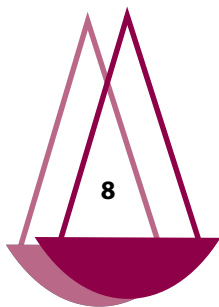
**“To provide on behalf of the People of Ireland a prosecution service that is independent, fair and effective.”**

**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 a high quality prosecution service at an economic cost, it is essential that we take account of the changing environment within which we must operate. The changing environment will impact, as changes in the past have, on the way we do business in the next three years. This Strategy Statement provides us with an opportunity to outline key environmental 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 an effective and efficient prosecution service in light of changed circumstances.

**3.2** The last ten years has seen a major reorganisation of the prosecution service. In October 1999 the Government adopted the Report of the Public Prosecution System Study Group which recommended a restructuring of the prosecution service. By October 2009, ten years since publication of the Report, the recommendations made by the Group in relation to reform of the Office of the Director of Public Prosecutions have been delivered. These recommendations included:

- the appointment of the Chief Prosecution Solicitor in November 2000 to act as solicitor to the DPP and to head the Solicitors Division of the Office;
- the transfer of the criminal division of the Chief State Solicitor's Office to the Office of the Director of Public Prosecutions in December 2001 to form the Solicitors Division of the DPP's Office; and

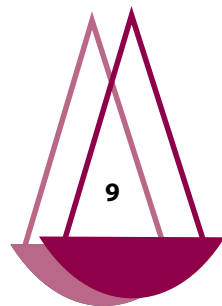
- the transfer of responsibility for the State Solicitor Service from the Attorney General to the Director in May 2007.

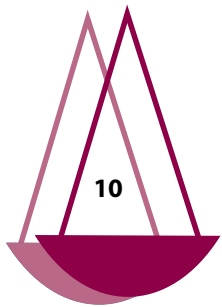
**3.3** The last decade has also seen major changes in the legal environment and the management and governance environment within which the Office operates. The challenges posed by these changes have required the Office to adopt new ways of working and new procedures and practices. The three year period covered by this Strategy Statement will contain many of the challenges faced in the past. However, it is clear that the difficult current economic environment will create new and complex challenges which will need to be successfully addressed if the Office is to continue to deliver an effective prosecution service.

## Budgetary Environment

**3.4** In common with all other public service organisations, it seems clear that the changed economic circumstances will present the most significant challenge for this Office in the course of the next three years. Given the central importance of an effective prosecution service for any country it is essential that standards be maintained. The focus therefore in this Strategy Statement will be on how available resources can be most efficiently deployed in order to maintain current levels of service.

**3.5** Maintaining services with less resources will be hampered by the continued failure to locate the Office in one building. The 196 staff of the Office are in two separate buildings





located at some distance from each other and this is a source of real inefficiency. While the Office has for 10 years now been promised a single building, the current economic climate has, it seems, deferred this project possibly indefinitely. The fact that the two legal divisions of the Office are accommodated in separate buildings limits the ability of the Office to reorganise its work in ways which would make for greater efficiencies. While recognising the severe limitations in the Government's capital budget every effort will be made during the lifetime of this Strategy Statement to pursue the objective of a single building for all our staff.

- 3.6** The implementation of the various Government initiatives to reduce public sector numbers is likely to give rise to greater difficulties for this Office than for many other public sector organisations. The various schemes are being implemented in a relatively uniform manner and without regard to whether organisations can control their level of work. Many public sector organisations have some discretion over the services which they elect to deliver. However, the Office of the Director of Public Prosecutions not only has no discretion over the work which it must perform, it also has no control over the number of criminal investigation files which it receives.

## Legal Environment

- 3.7 Volume and complexity of work:**  
The volume and complexity of work dealt with by this Office continues to increase.

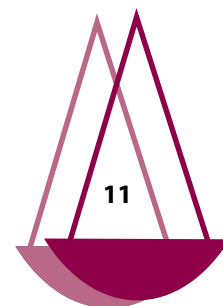
- The number of files received in the Directing Division increased from 7736 in 2007 to 8356 in 2008 and 9104 in 2009. This represents a cumulative increase of almost 17.7%. This increase is compounded by an increase in complexity. The increase has taken place despite the fact that since 2000 the Office has taken various steps to delegate decision making in relation to certain files 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 generally in respect of more serious and complex matters. This arises because of the general consent to summary disposal given to the Garda Síochána since 2001 enabling them to prosecute in more straightforward cases without reference to this Office. This process has continued with the issuing of two General Directions under section 8 of the Garda Síochána Act 2005 which are available on our website.
- There is a significant number of specialised regulatory agencies involved in the investigation and prosecution of criminal offences. These include the Revenue Commissioners, the Office of the Director of Corporate Enforcement, 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. Examples include workplace fatalities, planning and waste management cases, revenue matters and competition issues. Examination of these files is therefore extremely resource intensive.

- 3.8 State Solicitors:** Responsibility for the State Solicitor Service was transferred from the Attorney General to the Director of Public Prosecutions in May 2007, giving effect to the final recommendation of the Public Prosecution System Study Group. The purpose of the transfer is to provide for a more streamlined prosecution service. The Chief Prosecution Solicitor is responsible for the day-to-day management of the service. Over the lifetime of this Strategy Statement the provision and maintenance of this service will be kept under review with a view to maximising efficiency and ensuring consistency in standards on a national level.
- 3.9 Sea Fisheries Prosecutions:** In August 2009 the Director took over the function of prosecution in these cases from the Attorney General. This is an additional area of work and has resource implications. No additional resources were allocated to deal with this work. The full impact of this remains to be seen.
- 3.10 Asset Seizing:** Since our last Strategy Statement a dedicated Asset Seizing Unit has been established within the Solicitors Division of the Office. This unit is tasked with implementing the

strategy adopted by the Office in its 2004 Annual Report and to monitor and coordinate all applications brought under the Criminal Justice Act 1994. The establishment of this Unit ensures that specialised staff are assigned to this work and can track and report on outcomes. The Office continues to engage with An Garda Síochána, State Solicitors and Revenue to ensure best practice in the area of criminal confiscation and forfeiture of assets.

- 3.11 Extra Courts:** The new Criminal Courts of Justice has brought significant improvements to the provision of service to court users. It has already increased the number of sitting courts and this may increase further in the future. This has ongoing resource implications for this Office which will have to be kept under review during the life time of this Strategy Statement.
- 3.12 Judicial Reviews:** Applications for judicial review represent a substantial area of work for the Office. Costs awarded against the Director in these cases can be significant. It is encumbant on the Office to continuously monitor this area of work and to co-operate with other agencies within the criminal justice system in an effort to reduce costs whenever possible.
- 3.13 Prosecution Policy Unit:** The Prosecution Policy Unit will continue to support the work of the Office by developing internal policy guidance. It will also continue to cooperate with other agencies, both statutory and non-governmental (such as the Law Schools of the Universities) in research projects analysing decision-making in the Office.



**3.14 Reasons Project:** During the lifetime of this Strategy Statement the Office will continue to monitor and assess the pilot project on giving reasons in certain cases involving a fatality introduced on 22 October 2008 and examine the feasibility within existing resources of extending it to other areas of decision making.

**3.15 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

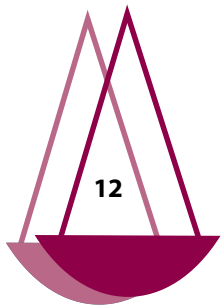
**3.16** The Office recognises that it is essential to ensure it has appropriate management and governance procedures in place if it is effectively to discharge its responsibilities. During the life of this Strategy Statement the Office will rely on the management and governance framework developed over the life of the last three Strategy Statements to build on a range of initiatives already undertaken and to meet the challenges of delivering an effective prosecution service within the limits imposed by the current economic environment.

**3.17** A number of principles underpin the management and governance framework of the Office. Principal amongst these have been the civil service

Strategic Management Initiative (SMI), active Partnership structures, and an independent Audit Committee which supervises the internal audit function of the Office. The *Transforming Public Services Programme*, announced by the Minister for Finance in October 2008 in response to the review of the Public Service conducted by the OECD, focuses on the significant gains to be achieved through efficient productivity, value-for-money and the satisfaction of the citizen. These are principles which are fundamental to the delivery of a quality prosecution service and which will form the basis of the management and governance strategies for this Office over the lifetime of this Strategy Statement.

**3.18** 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. Measuring performance against targets will be a key element in steering the Office through the challenging times ahead. The Office will focus on identifying areas where duplication and labour intensive processes can be eliminated, while at the same time maximising on efficiency gains through more streamlined procedures.

**3.19** While managers in the Office are clearly responsible for ensuring the delivery of performance targets, the Office is of the opinion that this responsibility

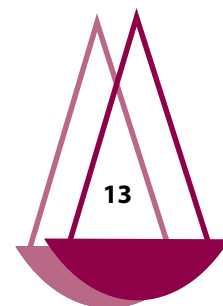


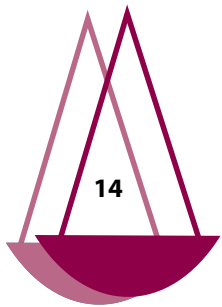
also falls on all its staff. The sum of the contribution of every individual member of staff is in effect the performance of the Office. Because of the crucial importance of staff commitment to the delivery of our goals, the Office has worked to build strong Partnership structures. These structures act 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.

- 3.20** In an environment where reductions in staff numbers seem inevitable, it is envisaged that the Office will face significant challenges over the lifetime of this Strategy Statement in delivering on goals and objectives. The Partnership structures built up over the last number of years in the Office will therefore be crucial in providing a forum for consultation and discussion between managers and staff in the challenging times ahead.
- 3.21** While recognising that difficulties arising from reductions in staffing levels will need to be addressed, the Office also recognises the high calibre of the staff currently serving. HR practices implemented over the course of previous Strategy Statements will stand us in good stead over the difficult years covered by this Strategy Statement. Like all civil service organisations all staff recruited to the Office secured their position through a competitive open process. In addition, for some years now all promotions in the Office have also been made on the basis of competitions. The ongoing development of these staff through the

Civil Service Performance Management and Development System (PMDS) will continue to play a key role in ensuring that staff and managers of the Office have the necessary skills to do their job in an increasingly complex and difficult environment.

- 3.22** The integrated PMDS model introduced in 2007 will continue to play a key role in ensuring the delivery of an effective prosecution service. Continued training and development of staff will be crucial to the efficient operation of the Office over the course of the next three years. While training budgets will be severely curtailed for the foreseeable future, the Office Training Steering Group is committed to developing cost effective training solutions that will provide the necessary skills required by staff in order to deliver a high quality prosecution service.
- 3.23** Central to any assessment of performance against clear objectives is the availability of accurate and detailed information against which to measure performance at both an individual and also an organisational level. In October 2008 the Office launched the first phase of a new Case, Document Management and File Tracking system (CDMFT). The second phase went live in May 2009. The new system provides a single point of access for staff across all divisions of the Office. A prosecution file is allocated a single reference number which it retains as it progresses through the various stages of the prosecution process. The new system is task based whereby upcoming tasks and deadline dates are highlighted to assist legal staff in managing their caseload. The system also provides managers with an





integrated electronic system to manage legal work across the organisation.

**3.24** 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.

**3.25** 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.

**3.26** 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.

## Relationship with Other Agencies (National / International)

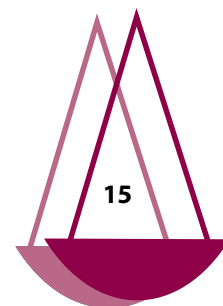
**3.27** In order to provide services to the highest standards, it is essential for the Office to establish and maintain strong working relationships with many agencies and people. The efficient operation of the Office depends to a significant extent on the way its staff interacts with people and organisations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

**3.28** 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.

**3.29** The main external contacts the Office has are with the following:

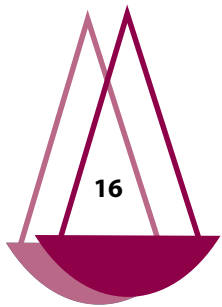
- The Attorney General, who is advisor to the Government on matters of law and legal opinion, including criminal law, and who has a statutory function to consult with the Director from time to time in relation to

- 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 agencies, including the Revenue Commissioners, the Competition Authority, Director of Corporate Enforcement, the Health & Safety Authority, Garda Síochána Ombudsman Commission 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 Commission for the Support of Victims; Court Support Groups; and Victim Support Agencies.
  - 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.
  - Law Schools of the various universities in relation to our intern and research programmes.
  - 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.

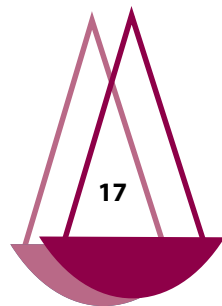




# 4 Key Objectives

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- 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.** Maintain high standard of 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

## 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.

### Key objective 1:

**5.2** 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

- 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

### Key objective 2:

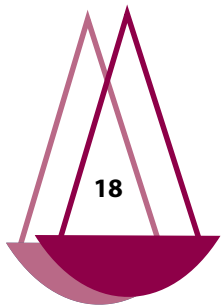
**5.3** Develop vision and strategy for the future direction of the Office

#### Key Requirements to meet objective:

- Contribute to the proper functioning of the criminal justice system as a whole
- Ensure the most efficient use of allocated resources without compromising the delivery of an effective prosecution service
- Optimum strategic management of all the units of the organisation to support this objective

#### Strategies to ensure objectives are met:

- Management Advisory Committee (MAC) to maintain its focus on strategies for future direction of the Office within the criminal justice system



- Review current work practices across the organisation and develop policies that support optimum use of allocated resources
- Ensure all functions and areas of expertise are adequately staffed and contingency procedures for coverage are in place
- Continue to pursue 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
- Utilise 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
- Policies that ensure optimum use of allocated resources in place
- Staff with required skills in place and contingency procedures in place
- Single building to accommodate all Divisions of the Office acquired
- 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; Communications Strategy; PMDS; and Partnership Committee
- Performance reports produced and reviewed on regular basis

#### Key objective 3:

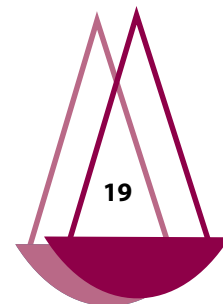
- 5.4** Maintain high standard of operating processes and systems to achieve independent, fair and effective prosecutions

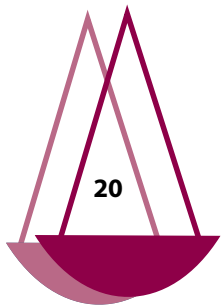
#### Key Requirements to meet objective:

- Policies in place to support the prosecution process
- Decisions and actions taken at appropriate level both within and outside the organisation
- Decision makers in process properly informed
- Effective and comprehensive support services
- Management have appropriate information to manage

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

- Develop policies as required in relation to prosecution matters
- Develop strategy for delegation of decision-making function to appropriate level whether within or outside organisation





- 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
- 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
- Ensure that the remedies available for the confiscation of the proceeds of crime continue to be implemented
- 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
- Review administrative services that support the prosecutorial process to ensure optimum use of resources
- 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 systems to ensure that decision-makers in the Office have

the fullest information from other persons involved in the prosecution process

#### Performance Indicators:

- Policies in relation to prosecution matters in place
- Operation of comprehensive delegation strategy
- Consistent application of standards and approach
- Timeliness of decisions and conduct of cases
- Compliance levels with Guidelines for Prosecutors and Code of Ethics highlighted by case audits and mechanism for dealing with complaints
- Proportion of directions carried out
- Timescale within which decisions are implemented
- Completion of evaluation of implementation of policy 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

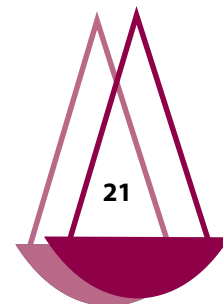
- Briefs assigned to counsel in compliance with section 7 of the Prosecution of Offences Act, 1974
- Evaluation of performance of counsel
- Administrative support services reviewed and recommendations implemented
- Percentage of cases where additional information required
- Analysis of case outcomes through Management Information Framework (MIF)
- Volume of outputs related to staff numbers

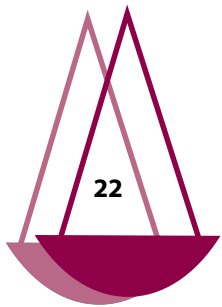
#### Key objective 4:

- 5.5** 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 / seminars 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

### 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
- Level of compliance with 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 justice system
- 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

### Key objective 5:

- 5.6** 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:

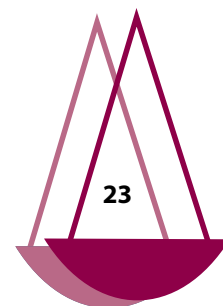
- Make available as much information about the work of the Office of the Director of Public Prosecutions as is possible, in particular through publication of Annual Reports, Guidelines for Prosecutors, information booklets and other Office publications
- Maintain a bi-lingual website that is accessible and contains information relevant to the target audience
- 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 a 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 evaluation of the policy in relation to the provision of reasons for prosecutorial decisions
- Promote openness and public awareness of role of Office

#### 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
- Revised Quality Service Charter and Action Plan published
- Complaints handling policy in place
- Evaluation of policy on giving of reasons for prosecutorial decisions completed and published
- Number of public interviews given; presentations made at conferences and seminars; and articles 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** The changing economic climate is possibly the single most significant factor which will affect the delivery of the objectives set out in this Strategy Statement. On 1 January 2010 a total of 196 staff were employed by the Office of the Director of Public Prosecutions, 103 of whom are legal officers. During the lifetime of this Strategy Statement it is envisaged that this number will decrease through retirements, resignations or long term leave entitlements. The embargo on recruitment and promotions in the public service will mean that these vacancies may not be filled. If the numbers of prosecution files submitted to this Office by An Garda Síochána remains constant, or indeed increases, it will become increasingly difficult for the Office to provide an effective prosecution service if staffing levels are below those currently available to us.

**6.3** The two legal divisions of the Office of the Director of Public Prosecutions have for the last ten years operated from two separate buildings. Advances in technology have gone some way towards assisting the two divisions to work in a more integrated manner. The installation of the new Case and

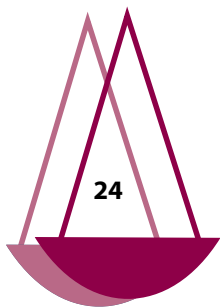
Document Management File Tracking system in 2008 has provided a single access point for all prosecution files across the two divisions. However, while every effort is being made to integrate the work of the two divisions, there is limited scope for a fully integrated service while both divisions are accommodated in separate buildings. Much could be done to reorganise the work of the two divisions if they were accommodated in a single building. This would result in greater efficiencies and better use of available resources. For this reason we will continue to seek to locate the Office in one building, but cutbacks in the public sector make this less likely during the lifetime of this Strategy Statement.

**6.4** While this Office will endeavour to ensure the most effective use of resources within the criminal justice system by encouraging the coordination 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

**6.5** Continued implementation and management of the new Case and Document Management File Tracking system is essential in order to ensure that it supports the management information framework of the Office in maintaining optimum levels of service.

**6.6** The development of internal prosecution policy over the lifetime of this Strategy Statement will be a key factor in ensuring more efficient

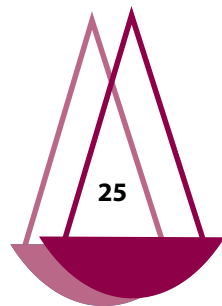




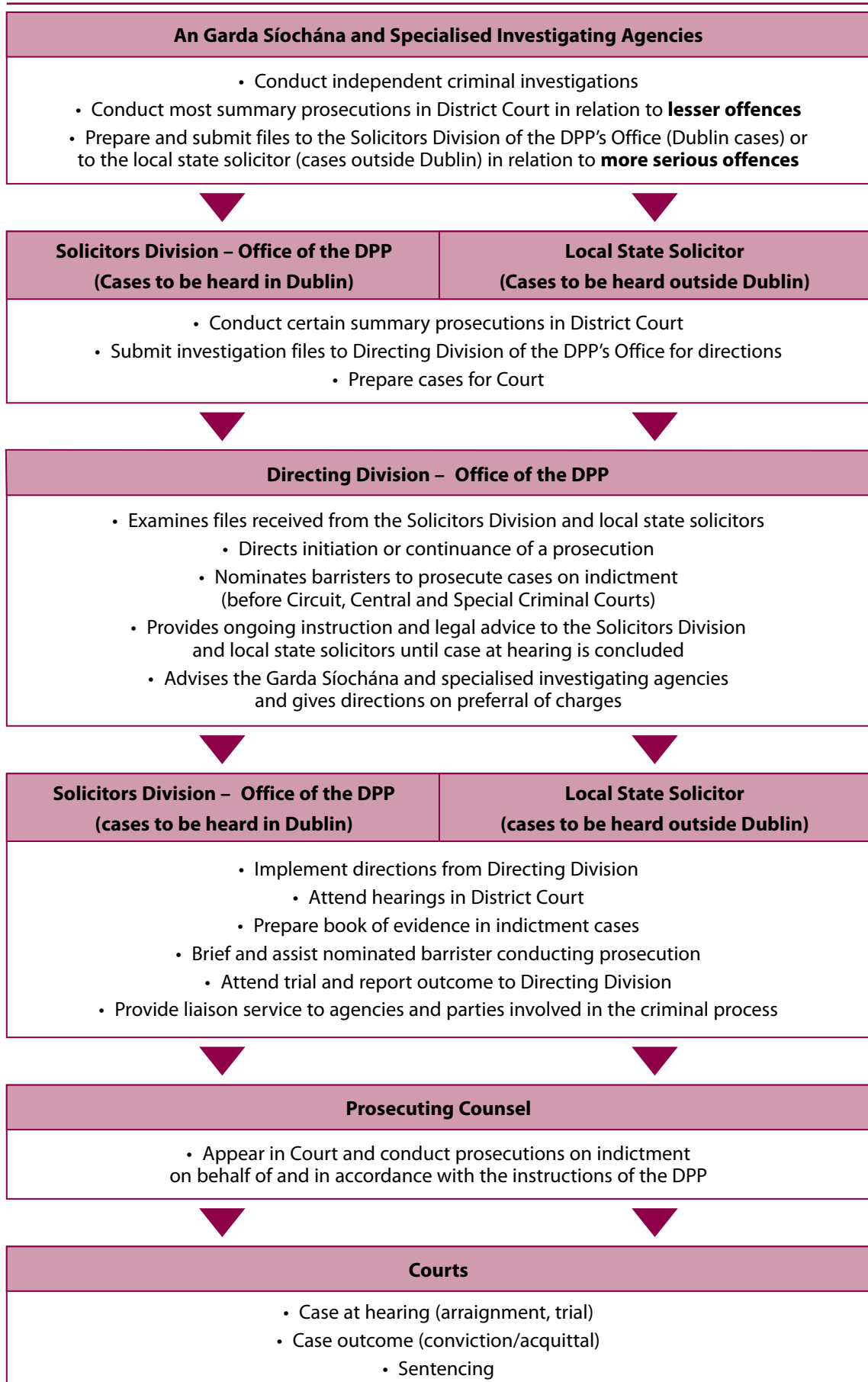
and consistent standards across the organisation.

- 6.7** The Office must ensure that allocated resources are used to best effect so that the provision of the prosecution service is not compromised. A review of existing resources will be undertaken during the lifetime of this Strategy Statement and initiatives to streamline services will be implemented wherever possible.
- 6.8** Human resource management systems must be developed in a cost-effective manner 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. Greater emphasis will be placed on developing in-house legal training programmes through utilisation of the wide legal knowledge base and experience of specialised areas of criminal law which exists in the Office.
- 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** The embargo on promotions will inevitably limit the ability of the Office to provide a career structure of advancement for staff. The Office will however endeavour to ensure that staff have opportunities to gain experience in a variety of different areas within the Office so that they can build on their knowledge and expertise.

- 6.11** The evaluation of the implementation of the policy on the giving of reasons for decisions will have implications for this Office over the course of the next 3 years. The pilot policy was implemented without the allocation of additional resources. It remains to be seen whether resources will be sufficient to enable the project to be extended.



# 7 Outline of the Criminal Prosecution Process



# 8 Organisation Structure

