

Director's Speech at Office of the DPP 50th Anniversary Reception Iveagh House | Thursday 27 March 2025

There is a line at the end of Niamh's book that really resonates with me. It is from our own Barry Donoghue, former Deputy Director of Public Prosecutions. He said: the worst thing you can have in a democracy is a popular DPP.

This I think was precisely the sentiment behind the Government decision to establish an independent Office of the DPP, some 50 years ago.

The purpose of the new Office was to strengthen public confidence in the rule of law by ensuring there could be no political interference or perception of interference in these decisions. Those behind the project saw it as a fulfilment of the original constitutional design. In fact, the key principle underpinning our work is still the one established in Article 30.3 of the Constitution – that prosecutions are brought on behalf of the people of Ireland, and not on behalf of any individual, organisation or government.

The value of "independence" therefore is at the core of the origin story of the Irish prosecution service, and it is deeply embedded in our culture. As prosecutors we know that we must make our decisions based on the evidence and the public interest and free from external influence or bias.

Because independence is such a strongly felt value in our Office, we need to challenge ourselves to interrogate what it really means. We also need to be clear about what it is not. It is not a shield from scrutiny or transparency; nor is it a reason to isolate from the rest of the system.

I know that the prosecutors who work in my Office are deeply aware of the impact that our decisions have on the lives of people who are involved in each case – whether as a victim, an accused or a witness. Where a decision is made not to prosecute, victims can feel disbelieved and unheard. Where a decision is made to prosecute, an accused person's life can be turned upside down, with implications for their job, family and future. The wider community's confidence in the rule of law is also at stake. I think all of us who work in the criminal justice system understand what a precious thing it is to live in a society where there is widespread support for the rule of law, and we must continue to earn and maintain this public confidence.

Because of the enormous significance of our decisions on people's lives there are checks and balances in the decision-making system. Ultimately, all of our decisions to prosecute can be tested in court and where we decide not to prosecute a victim is entitled to reasons and to a review of that decision.

In addition to ensuring that there is accountability in respect of individual decisions, it is important that we are also transparent and accountable as an organisation. One important way to do this is through the publication of good quality data. While our annual reports contain a lot of good information there is further work to be done by my office and across the criminal justice system to capture and publish detailed relevant data so as to improve visibility of how the system is functioning. I want to acknowledge in particular to role and leadership of court services in this regard.

In commemorating the 50-year anniversary, it is right that we reflect on the founding principles and interrogate those values in today's context. It is also right that we reflect on how far we have come as a prosecution service since 1975.

When the Office was established, there were 4 lawyers making prosecution decisions. Today we have a staff of almost 300 – from legal and other professional backgrounds. We work closely with State Solicitors in 30 locations around the country and over 200 barristers on our panels. We now deal with around 17,000 files

Director's Speech at Office of the DPP 50th Anniversary Reception Iveagh House | Thursday 27 March 2025

a year; we make prosecution decisions in all serious cases and conduct prosecutions in the higher courts. Recent Government decisions mean that we are also working towards being able to provide better support for and quality assurance of District Court prosecutions which are taken by our colleagues in An Garda Síochána in the name of the DPP.

Therefore, through incremental steps over the years, led by each of my predecessors, a truly national prosecution service has emerged.

During that time much has changed in Ireland and the world. We have seen the growth of drug related and cyber-enabled crime, and the emergence of sophisticated organised crime gangs who operate transnationally. Some features of our criminal justice system remain depressingly familiar however and are a feature, sadly, of criminal justice systems the world over: the over-representation in our prisons of people from socially deprived areas, minority ethnic backgrounds and those with mental health and substance abuse problems.

The legal landscape is also evolving all of the time. Much of our substantive criminal law now originates in the EU and international judicial co-operation is now an important feature in the prosecution of many serious cases. Nationally, legislation and case-law continue to evolve to meet the changing social context. New regulatory bodies with criminal investigation powers have emerged. New investigative and forensic science techniques have been developed. Increased supports for vulnerable victims since 2017 also mean that we can also now prosecute complaints from very vulnerable victims, where ten years ago there would have been no reasonable prospect of a conviction.

Over this period, many social tenets have also been challenged, and we now live in a society where no one doubts that it is possible for a person in authority to abuse a child; or for a respected member of society to be a violent and dangerous bully at home; or that a successful business person could be involved in laundering money.

All of us who work in the criminal justice system are also part of this changing society. We have collectively been learning about the impact of trauma and increasingly, there is an awareness that instead of expecting vulnerable witnesses to adapt to our system, we must adapt instead to their needs.

These changes have taken place in an environment of increased diversity. In particular, I think any time-traveller from 1975 would be struck by the marked increase in women working across the criminal justice system. We have a way to go yet however to ensure that the system is fully representative of the diverse population we serve. An even greater diversity of perspectives will allow us to further expand our understanding of the experience of those who interact with the criminal justice system and build a system which truly reflects the needs of the society we serve.

There is much to be proud of therefore in how the prosecution service and the wider criminal justice system have adapted to the needs of Irish Society, and what we have achieved. But there is also much work to be done.

A key focus I know for many of us here this evening is to ensure that we perform our functions to the highest possible standards, but also that we minimize any unnecessary delays in the system. Victims tell us that while they wait for their case to be progressed it feels like their lives are put on hold and I know that this can also be the experience of many accused people.

Director's Speech at Office of the DPP 50th Anniversary Reception Iveagh House | Thursday 27 March 2025

Yes, there is a need for more judges, as well as investment in all of the other services and infrastructure that support a criminal case, and I acknowledge the commitment contained in the programme for government in this regard. But there is also a need for better co-ordination of our respective resources so that the capacity in the system is used to best effect and our practices are fit for purpose in a digital era.

Technology has changed all of our lives and the proliferation of digital data in recent years has utterly transformed the volume and nature of material that we must all engage with. In response, we need to work collectively towards managing this digital reality and put in place secure and efficient ways of engaging with that data at different stages of the process.

There is also a need to revisit the policies and practices that underpin our current approach to disclosure. Currently the prosecution and investigators are reviewing vast amounts of material to identify if there is information that might be of relevance to the defence, in the absence of any statutory obligation on the defence to engage on this.

My Office very much welcomes the clarity from the recent Supreme Court judgment in *DPP v. WC* which rejects the notion that disclosure of counselling notes in sexual offence cases is required on the basis that the material is remotely or potentially relevant. I think it is important to be aware that other categories of records can also contain deeply private information – such as medical, social work or family law records and mobile phone data.

The sooner in the process we as a prosecution can clarify what is relevant and ensure that this is disclosed, then the sooner defence lawyers can have a meaningful conversation with their clients about whether they want to contest or plead guilty to a charge.

Putting in place the systems to support this early engagement is key, given the level of work and money that goes into preparing for a trial, and the level of anxiety caused to all those waiting for their trial to come on. As a system, we need to get to a situation where trial dates are seen for what they are – an extremely expensive and valuable resource; where trials are only set down where there is a genuine intention to contest a case; and where all of us in the process are then working sincerely towards ensuring that every trial listed can go ahead.

Also of relevance in this regard is the review of legal aid being led by the Department of Justice. It is important for the administration of justice that people are attracted to work in criminal law and that the remuneration is fair. It is also important that defence lawyers and prosecution counsel fees are structured to support early engagement with a case.

To achieve improvements across these complex areas – the management of data, disclosure practices and support for early case engagement – will require sustained collaborative effort by all of us – ODPP, investigators, legal practitioners, the courts, the judiciary and government departments. To address these systemic issues will also require government support and in that regard, I welcome the commitment in the programme for government to conduct a review of the CJS and publish an action plan to improve efficiency, remove blockages and cut waiting times.

To continue to deliver a prosecution service that is not just independent but also fair and effective in a digital era, we must work closely with our colleagues across the system. The boat won't move forward if we are each rowing in our own direction. This evening, I want to acknowledge the extent of the collaboration that

Director's Speech at Office of the DPP 50th Anniversary Reception Iveagh House | Thursday 27 March 2025

is already happening. The support we get from NGOs in training our people and developing our public information booklets. The leadership of the judiciary in driving on the new Juvenile Protocol for the Central Criminal Court, the work of court users groups, and the Judicial Planning stakeholder engagement Group; the engagement with our colleagues in An Garda Síochána in relation to the management and presentation of data; the role of the Department of Justice in hosting the criminal justice strategic committee and of the Dept of Taoiseach in supporting the summary prosecution reform steering committee. And many more projects too numerous to mention. I want to acknowledge the collegiality and collaboration that exists among the many actors that make up the criminal justice system as well as healthy debate and disagreement.

To all of you here from the prosecution service – the staff in my Office, state solicitors, and barristers, I want to acknowledge your commitment and resilience during what has been a challenging few years as a result of the substantially increased court activity levels. The prosecution service has come a long way in the past 50 years, but as I look to the next 50 years, I see a service that is confident in its purpose and values; one that is open and questioning; and one with the ambition to strive to be the best that we can and to work with others to improve the system. As we know, the people who rely on us to do this are the people not in this room. The victims and witnesses and accused people who depend on us to be fair, independent and effective; and the people of Ireland, who rely on us to uphold the rule of law, without fear or favour.

Finally, I cannot step off this stage without saying a huge thank you to Orlagh Flood and Sarah Sheils for all of their work in organising today's event. I also want to thank the team in the Department of Foreign affairs for all of their assistance with tonight's event.