

Victims Charter

Role of the Office of the Director of Public Prosecutions (DPP)

When you report a serious crime, the Gardaí will investigate it and send a file to the Office of the DPP. We will then read the file to see if there is enough evidence to prosecute someone for the crime. We will also assess if it is in the public interest to bring the case to court. If it is, we will decide what the charges should be.

Making our decision about prosecuting

The decision to prosecute is a serious one. It can have a lasting effect on both the victim of the crime and the accused person. Only the DPP or one of our lawyers may decide whether or not to prosecute in serious cases - for example, murder, sexual offences or fatal road accidents.

The Gardaí may decide to prosecute in less serious crimes. However, the prosecution is still taken in the name of the DPP, and the DPP has the right to tell the Gardaí how to deal with the case.

The Office of the Director of Public Prosecutions acts independently when deciding whether or not to prosecute. This means that no other person – not even the Government – can tell us whether or not to prosecute a case.

What happens if we decide not to prosecute?

If we decide not to prosecute, we will give you a summary of the reasons for our decision if you ask for it.

You can ask us for a summary of reasons if you are:

- a victim of a crime (if the decision in your case was made on or after 16 November 2015);
- a family member of a victim in a fatal case (where the death took place on or after 22 October 2008).

There may be times when we cannot give a summary of reasons because of a legal issue. If this happens, we will explain this to you.

Can prosecuting decisions be reviewed?

Yes. If you are a victim, or a family member of a deceased victim, and you are not satisfied with the summary of reasons for our decision not to prosecute, you can ask us to review our decision. The review will be carried out by a lawyer who was not involved in making the original decision.

How do I request reasons or reviews?

All requests for reasons or reviews must be made in writing. You can find out how to do this by reading our information leaflet 'How to Request Reasons and Reviews'. The leaflet is available on our website. Requests should be sent to:

Communications and Victims Liaison Unit
Office of the Director of Public Prosecutions
Infirmary Road
Dublin 7.

Where are prosecution cases heard?

The most serious cases are heard in the:

- Central Criminal Court,
- Circuit Criminal Court, or
- Special Criminal Court.

In these cases, a lawyer acting for the DPP will prosecute the case in court.

Less serious cases are heard in the District Court. In these cases, either the Gardaí or a lawyer acting for the DPP will prosecute the case.

The Gardaí will tell you if we have decided to prosecute or not. If we are going to prosecute, the Gardaí will also tell you when and where the court case will take place.

What you can expect from our Office

If you are a victim, you can ask us to:

- take your views into account when we are deciding whether or not to prosecute;
- give you a summary of reasons if we decide not to prosecute (in cases where the decision is made on or after 16 November 2015);
- review decisions not to prosecute.

If a member of your family or household is the victim in a fatal case, you can ask us to:

- tell you the reason, if possible, why we decided not to prosecute. We will do this in cases where the death took place on or after 22 October 2008.
- review decisions not to prosecute.

If you are a witness, you can expect us to:

- treat you with respect and in a professional, non-discriminatory and impartial manner;
- take account of your personal situation, rights and dignity;
- work with the Gardaí to make sure that you are kept up to date on your case;
- apply to the court to ask if you can use video link or other special facilities in certain circumstances when giving your evidence; and
- arrange for you to talk to the prosecution solicitor and barrister before the court case begins, if you wish. They will explain what will happen in court, but they cannot talk to you about the evidence you will give.

If the accused has been sentenced, we can:

- ask the Court of Criminal Appeal to review the sentence if we think the sentence is unduly lenient - in other words, so light that it is wrong in law. We can ask for a review of sentences from the Central Criminal Court, Circuit Criminal Court and Special Criminal Court. We cannot appeal a sentence from the District Court.

If the accused has been acquitted, we can:

- appeal the decision of the judge, but only in very limited circumstances;
- take your views into account when considering an appeal.

What you can do if we do not meet your expectations

If you have a complaint about our service, you can write to:

The Director of Public Prosecutions
Infirmary Road
Dublin 7.

Tel: 01 858 8500
Fax: 01 642 7406

Visit our website at www.dppireland.ie for more information on:

- **The Role of the DPP;**
- **Going to Court as a Witness;**
- **The Decision not to Prosecute;**
- **How to Request Reasons & Reviews;**
- **Making a Victim Impact Statement; and**
- **The Criminal Justice System.**