

I am delighted to welcome you all to the 23rd Annual National Prosecutors' Conference. Our conference today is being attended by over 300 people from across the criminal justice system including the Attorney General, members of the judiciary, members of An Garda Síochána and other agencies, government departments, representatives from law faculties, state solicitors, colleagues from the law library, and of course from my own Office. You are all very welcome. As it is my first Annual Conference as Director of Public Prosecutions, I want to take the opportunity to say a few things about what I see as important in this role and about our strategy for the next three years as the Irish prosecution service continues to evolve to meet the needs of the people of Ireland in the 21st Century.

I would like to start by acknowledging the legacy of those who have been in this role before me – Eamonn Barnes, James Hamilton and Claire Loftus – and also the legacy of Barry Donoghue who held the role of Deputy Director for over 20 years and retired last year. These individuals and the many other dedicated past prosecutors from the Office of the DPP, state solicitors and the Bar have established a prosecution service that has at its core, the principles of independence, fairness and effectiveness.

I see it as my role now to build on these strong foundations to meet the challenges of today.

In our three-year strategy published this summer, my Office has set out how we intend to contribute to improvements across four areas – **service, digitisation, collaboration and people**. Within each of these pillars are actions relating to ensuring consistently high standards in our service; supporting our staff and prosecution colleagues; improving our processes and ICT capability; as well as deepening our collaboration so as to influence change and contribute to improved outcomes across the criminal justice system.

When we talk about service it is important, I think, to be clear that what we mean is service to the people of Ireland. The purpose of what we do is to uphold the rule of law, which is fundamental to any functioning democracy. The way we do this is by ensuring that our service is underpinned by our core values, that we perform our duty to the highest standards, and that we communicate effectively to ensure people can have trust and confidence in us. There are really three parts then as I see it to my role and indeed our role as prosecutors: **values, standards and communication**.

First and foremost, our job as prosecutors is to uphold the values of the Irish prosecution service developed over the last 50 years. These values are now articulated in our [Strategy Statement](#) following workshops with the staff of my Office earlier this year. They are **integrity, independence, excellence, respect and collegiality**. The independence of this role is of course specifically enshrined in the Prosecution of Offences Act 1974 that created the role of Director of Public Prosecutions. I am conscious that in Ireland, we are fortunate to live in a society where the public can rightly trust that prosecution decisions are made entirely free from any attempt at political interference. Independence is not an abstract concept but a real value that prosecutors must hold

true – remaining vigilant against the influence of external commentary or unconscious bias. As prosecutors, we must focus on the evidence and the law.

Given the level of responsibility involved, the people of Ireland would also be right to expect that the prosecutors who make decisions, prepare cases or present evidence in court are highly trained, skilled and committed to the work that they do. High professional standards are part of the culture of the Irish prosecution service and our strategy contains a range of actions relating to training, knowledge management and quality assurance to further support that culture. The practice of criminal law has become increasingly specialist, requiring an up-to-date understanding of legislative and case-law developments, not just at a national level but also at an international level. There is a need for continuous upskilling – for example in areas as diverse as digital literacy or increasing our understanding of the impact of trauma.

There is also a need to keep abreast of new crime types and enablers. One of these is virtual currencies, which can be used by criminals to store illegal wealth. I am grateful to Detective Garda Alan Carbery from the Criminal Assets Bureau for agreeing to coming here today to share his expertise on virtual currencies. So much organised crime is now enabled online, with actors operating in different jurisdictions. Sometimes asset confiscation forms part of a prosecution case and sometimes the prosecution can use non-conviction based powers to seize the assets wherever they are stored. In 2021, our Office recovered €6.5 million in assets, up from €2.2 million in 2020. This is an area in which my Office has been developing and providing increased training to Gardaí. It is an area that we intend to continue to develop.

The third part of my role and indeed our role as prosecutors is communication, which is crucial to maintaining public trust and confidence. To communicate effectively we must set clear expectations about our role. We do not represent victims but we have an important role to fulfil in providing information to them, and in supporting the vindication of their rights under the Criminal Justice (Victims of Crime) Act 2017.

We know that many victims find a decision not to prosecute distressing and some victims feel rejected and disbelieved. It is important for us to communicate that a decision not to prosecute does not mean that a victim is not believed. In the vast majority of cases it is that we have assessed that the evidence is not sufficient and there is no reasonable prospect of a conviction. In the past number of years our Victims Liaison Unit has been collaborating with various victim support agencies and improving how we communicate why a decision was made not to prosecute. These letters to victims must balance our obligation to provide information in a manner that does not re-traumatise the individual, while protecting the privacy rights of third parties, and preserving the suspect's presumption of innocence.

For those cases that are prosecuted, we know from our interactions with victims and witnesses that they can find the prospect of court extremely stressful. We know also from victims how much value they place on accurate and timely information. The quality of the engagement at pre-trial

meetings with the prosecution team, as well as the engagement during the trial, is key. It is incumbent on the criminal justice system to try to adapt to the needs of a vulnerable witness and not the other way around. As prosecutors, we need to be alert to vulnerability. We need to be proactive about invoking the Victims of Crime Act and making appropriate applications for special measures to support victims in giving their best evidence.

One particular area that is repeatedly referenced in victim impact statements is the experience of victims during cross examination. The right of an accused to probe the evidence and challenge credibility is fundamental to a fair trial, but there is an increasing awareness of how this can be done effectively without causing unnecessary re-traumatisation. I am grateful to Professor John Jackson for agreeing to talk to us today about the comparative research he and his team are undertaking to understand what developments are taking place in this and other jurisdictions in this regard.

Some of you here today also represent accused persons and indeed I myself have previously worked as a criminal defence solicitor, albeit some 15 years ago. Many accused persons who are interviewed in Garda stations or who come before the court are also vulnerable. The prosecutor has an important role in relation to understanding the vulnerability of a suspect or an accused person, for example when assessing the evidence or considering the public interest in prosecuting.

Before I move on from the theme of service, I need to refer to our post-pandemic reality of backlogs and delays. Firstly, I should say that the prosecution service and indeed the criminal justice system demonstrated significant flexibility and resilience during the pandemic to ensure that we continued to provide an essential service. However, as we know, the aftermath of the pandemic is combining with the increase in case files over recent years, resulting in backlogs and delays in a number of areas. I am very conscious of the impact that these delays are having on victims, witnesses, and accused persons who are awaiting trial or where trials have been scheduled and then have to be adjourned.

I would like to welcome the ongoing efforts being made to address these backlogs. For example, the assignment of additional Judges to the Central Criminal Court in 2021 assisted in alleviating delays for rape and murder prosecutions. There is also I hope an increased awareness now of how interconnected the different parts of the criminal justice system are. Assigning more judges, for example, places additional pressures on the services and lawyers that support those courts, including the prosecution service. Additional resourcing in one part of the criminal justice system needs to be matched across the system. My Office is committed to collaborating with our colleagues across the criminal justice system to ensure it can operate in a way that gives more certainty for service users.

Moving on now to digitisation and the challenge posed by the huge volumes of digital data in many of the cases we deal with – data from mobile phones, computers, and CCTV. It is clear that the days of physically thumbing through hundreds of pages are over, and our Strategy Statement

contains a range of actions aimed at supporting the move to digitisation. In the medium term there is a need to move to a fully digitised service, which facilitates easier data exchange or easy access by a range of parties to the evidence stored in one place and shared for the purpose of a prosecution. The continued move to digitisation will undoubtedly require investment – for example in ICT software and training – and a sustained commitment. This investment and commitment will be needed not just by my Office, An Garda Síochána and other criminal justice agencies, but also barristers, state solicitors and defence solicitors. It will however ultimately lead to efficiencies. In fact, with the volumes of data now being exchanged and interrogated, it will soon be impossible to effectively do our jobs as criminal lawyers without a move to full digitisation.

The exponential growth of data has a particular impact on disclosure processes. Over this strategy cycle it is intended to further develop our guidance relating to disclosure, as well as enhancing certain operating procedures to make them more efficient. However, there are also bigger policy questions as to whether there is a better way to balance the rights of the defence to disclosure with what is realistic for prosecutors, defence lawyers and courts to manage in the context of the enormous volume of material now often involved. I am grateful to James Dwyer SC for agreeing to speak with us today with a round-up of his thoughts on the topic. I have had the opportunity to get an advance copy of James's presentation and I know it will prompt more questions than answers. It is important I think that we ask these questions, even if we can't promise you all the answers today.

I will finish by talking about collaboration and people. As I mentioned on the programme for today's event, the Irish prosecution service is unusual in that it is made up of so many parts. One of the advantages of this is that there is a lot of independence of thought in our system and that is a real strength I think. State Solicitors live locally in 32 locations around the country and as a result can bring a national perspective to what would otherwise be a largely Dublin based service. The independent Bar represent both the defence and the prosecution. The strength of this system is that both the defence and prosecution have access to talented and committed advocates who have a balanced perspective regarding the rights of all the various parties. It is important for our criminal justice system to both attract and retain people to work in the area of criminal law. My Office has engaged with the Bar Council and other key stakeholders in relation to challenges in that regard.

I do also want to acknowledge the recent increased Government investment in the prosecution service with increased funding allocated in the recent budget for staffing, ICT investment, state solicitor costs and counsel fees.

As a prosecution service we are just part of the overall criminal justice system that is in a process of ongoing improvement and modernisation so that it can better meet the needs of service users. None of the challenges I have touched on – responding to the needs of vulnerable witnesses, disclosure, digitisation, addressing the impact of Covid backlogs – can be resolved without collaboration across the system, which is why events like today are so important.

Many of us here are lawyers, and as lawyers our focus is often on the process. On ensuring a fair process. This is of course important. But as people who work in criminal justice, in whatever capacity, we work in the service of the public. As such, we must not only ensure a fair process but also strive to make things better, to contribute to improvements across the system for the people who use it, and ultimately to ensure that we have earned the trust and confidence of the people of Ireland.

That concludes my formal remarks, but before I finish I would like to say a few 'thanks yous' and let you know about the many changes of state solicitors. But first I would like to remember two people who passed away in the past year.

I would first mention Grainne Carthy who died in June. Grainne was a clerical officer in our Office and a life-long civil servant. She was a great colleague and lovely person and she is much missed.

I would also like to mention Tom O'Connell Senior Counsel who sadly passed away last week. I know he prosecuted for the Office of the DPP for many years in difficult and complex trials. I remember Tom from my days in criminal defence. He was fearlessly independent and always great to work with. He too will be missed.

I would also like to mention recent changes to our state solicitor service, with the retirement of Rory Benville in Wicklow, Alan Millard in Carlow and Noel Farrell in Leitrim. Malachy Boohig down in West Cork is also due to retire next month. Two other state solicitors, Vincent Deane and Ciaran Liddy, have left us on their appointment as judges of the District Court. I would like to thank all of these former state solicitors for their professionalism and extensive service to the State. In their places we have Brian Robinson in Wicklow, Brendan O'Flaherty in Carlow, Niamh McGovern in Leitrim and Louise Cresham in Mayo. I would like to welcome these new state solicitors to today's event and wish them well in their new roles.

As ever I want to thank all of you – the staff of my Office, all of our state solicitors and the many independent counsel who represent the prosecution for all of your commitment and hard work over the past year, as well as the other stakeholders in the criminal justice system, many of whom are here today. My thanks to you for your continued support and co-operation and for joining us today.

Finally, I need to say a big thank you to Orlagh Flood and Kevin Graham for the enormous work that goes into organising an event like today.

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

Catherine Pierse, Director of Public Prosecutions
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