



Timely Prosecutions

Last Update: October 2018

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1. Timeliness in how we conduct our prosecutions is a fundamental aspect of achieving our key strategic themes of:

- Providing an efficient and effective prosecution service: and
- Engaging with partner agencies and stakeholders.

2. Key activities which assist timeliness include:

Internal

- actively managing cases using appropriate case management tools (i.e. Dashboard Reports/CRIMS/caseHQ), particularly in the brief assessment phase;
- undertaking a preliminary review of all new brief assessment files as soon as practicable to flag any critical deficiencies in the evidence which may prevent or significantly delay a timely assessment;
- making timely requisitions to the partner agency where identified gaps in the evidence can be rectified;
- drafting of charges as soon as there is sufficient evidence in the brief to satisfy the test in the *Prosecution Policy of the Commonwealth*, noting non-critical requisitions should not delay the commencement of prosecution action;
- raising issue(s) with the relevant Prosecution Team Leader (PTL) at an early stage;
- for C3 and C4 prosecutions preparing a Litigation Plan at the brief assessment or committal stage to assist in the efficient management of the prosecution, including resourcing and use of counsel;
- ensuring that adequate time is provided to the decision maker to consider and determine any recommendation(s) when applying the Decision Making Matrix (DMM);
- utilising legal templates developed by CDPP;
- using electronic systems and digital tools where appropriate (i.e. caseHQ, NASSO, CaseLink, E-Referral Gateway); and
- keeping information about matters accurate and up to date in CRIMS/caseHQ.

External

- early engagement with the partner agency to open communication and gain a better understanding of the brief of evidence;
- timely and responsive communication of any important information about the case or its progress to the informant.

3. Prosecuting is a collaborative effort, so good internal and external communication is essential to a successful and timely prosecution outcome.

Targets for Assessing Brief Assessments – 90 Days

4. The CDPP currently aims to have 85% of briefs assessed within 90 days, with a 15% tolerance to reflect that it may be challenging to always achieve this target for our more complex work.
5. The 90 day limit is the outer target. For briefs alleging regulatory or straightforward offending, a much shorter time is often possible. From time to time, shorter time frames are agreed between the CDPP and agencies.
6. Care must be always taken to ensure that any statutory time limits are complied with and that any statutory consents are obtained prior to the issue of charges in relation to brief assessments.
7. Where requisitions of substance are made to the partner agency it is appropriate to suspend the brief, allowing for a reasonable timeframe for provision of the material. The time frame to respond should be monitored and a point may be reached, following consultation with the agency, for an assessment to proceed in the absence of the material, or for the file to be closed pending receipt of the material.
8. Whilst the 90 day target is an important goal, it does not come at the expense of our fundamental responsibility of ensuring compliance with the *Prosecution Policy of the Commonwealth*.
9. Meeting this target is the subject of ongoing discussion and collaborative effort across the CDPP with regular monitoring of the target at all levels.
10. Where appropriate, PTLs can look to reallocate work within their Practice Group to assist with meeting the 90 day target.
11. The reason(s) for any delay and an estimated time frame for completion need to be recorded in the relevant case management system in any matters falling outside the 90 day brief assessment target. In CRIMS this will be in the Brief Assessment Phase comments box. In caseHQ this will be in the Summary box on the home page of a prosecution matter. Comments should be reviewed on a monthly basis and updates made where necessary.

Timely Filing of Indictments

12. Time limits for filing indictments (and whether indictments need to be filed) vary according to jurisdiction, and whether the matter has been committed for sentence or trial.
13. Irrespective of these statutory requirements, best practice is to settle an indictment within 30 days of committal for trial. In complex matters, or where the CDPP did not have the conduct of the committal proceeding, discussions should be held between the case officer, PTL and Branch Head to nominate a date for the indictment to be settled as soon as practicable up to a maximum of 90 days after committal. Case officers should ensure that the relevant case management system (i.e. CRIMS or caseHQ) is updated to record the date by which the Indictment needs to be settled.

Adjournment of Trials

14. Inculpatory evidence sometimes emerges late in proceedings. Where reliance on that evidence may lead to the adjournment of the trial, careful consideration should be given to whether that evidence needs to form part of the prosecution case. Consultation with PTLs and Branch Heads should occur in this situation as to the most appropriate course to adopt.