



An Garda Síochána

Policy Document

Court Management Office / Court Presenters

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Policy Owner	Assistant Commissioner, North Western Region

Purpose

The duties of the Office of the Director of Public Prosecutions (DPP) are to enforce the criminal law in the courts on behalf of the people of Ireland, direct and supervise public prosecutions on indictment in the courts, give general direction and advice to An Garda Síochána in relation to summary cases and give specific direction to An Garda Síochána in cases where requested. In general, summary prosecutions in the District Court are brought at the suit of the DPP, where many cases are presented by members of An Garda Síochána.

In the Dublin Metropolitan Region (DMR)¹, and within the various Divisions, Sergeants have been tasked as 'Court Presenters' in the relevant District Courts, where they carry out tasks including case managing hearing dates and presenting evidence where appropriate. Prosecutions outside the Dublin Metropolitan Region (DMR) are presented to the court by local Superintendents or Inspectors in their relevant Divisions and Districts.

The purpose of this policy is to set out the standardised approach of An Garda Síochána for the role of the Court Management Office and the Court Presenters role, including the various associated administrative supports, the presentation of evidence in court (where appropriate) and to make the most effective use of its personnel through the implementation of the Court Management Office / Court Presenters Policy.

Scope

This policy document and all associated documentation apply to all members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána, in accordance with Section 53 of the Garda Síochána Act, 2005.

Policy Statement

The primary rationale for the Court Management Office / Court Presenters is to effectively manage and implement the Court Presenting System while representing prosecuting Gardaí in court by way of tracking forms pursuant to Section 6(1) of the Criminal Justice (Miscellaneous Provisions) Act, 1997. This approach supports An Garda Síochána in the achievement of its strategic objectives, in ensuring good governance and effective management of its role in the courts process.

This policy and associated procedure will aim to support the efficient prosecution of offences and will direct the standardisation of the functions of Garda case management through the various District Courts, nationally. It will also be used to promote best practice in all of the various Garda court appearances in the District Court.

Garda personnel at a Court Management Office will aim to do this by:

- Providing a framework to support a consistent approach to court processes including preparation, presentation and post court administration.
- Standardising documents utilised by Gardaí in court.
- Providing interactive learning support to Court Presenters' nationally.
- Providing a knowledge resource to all members preparing for court attendance.

The primary responsibility for engaging with victims of crime rests with the investigating Garda, while utilising the support of the local Garda Victims' Service's Office.

¹ Cognisance should be taken that the DMR is operated on a regional basis and slight variations may occur.

Human Rights Considerations

The vindication of human rights is a key policing objective and is the very basis of policing. Garda personnel play a vital role in ensuring that citizens may enjoy their rights to live free from violence, abuse and crime. Garda personnel also help preserve an environment in which people can live free from fear and enjoy other rights and freedoms.

Garda personnel must be aware that every person has the right to a fair trial, fair treatment and personal dignity, and any action taken must not unjustly, unreasonably or arbitrarily discriminate between individuals.

The following articles have particular reference to the Court Management Office / Court Presenters Policy and associated procedure document:

- **Article 6(1)** of the European Convention on Human Rights (ECHR) reads: 'In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing **within a reasonable time** by an independent and impartial tribunal established by law.'
- **Article 13** reads 'everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.'

Consideration of all human rights in compliance with the organisations Human Rights Framework is crucial while carrying out responsibilities and tasks relating to the investigation and submission of criminal investigation files and related documentation to the Court Management Office.

Compliance

Compliance with this policy and accompanying associated document(s) is mandatory for all members of An Garda Síochána and Garda staff.

Related Documents

- Court Management Office / Court Presenters procedure document

Legal & Human Rights Screening

This document has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Ethical Standards & Commitments

All Personnel working in An Garda Síochána must observe and adhere to the standards and commitments set out in the Code of Ethics for An Garda Síochána and uphold and promote this code throughout the organisation.

Policy & Procedure Review

This policy will be reviewed 12 months from its date of effect and every three years thereafter. Reviewed policies will be reviewed every three years.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon, in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.