



# **BUSINESS PLAN**

## **2021-2025**

**OFFICE OF THE DIRECTOR OF PUBLIC  
PROSECUTIONS ACT**

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## 1. Introduction

### a) Overview

The ACT Office of the Director of Public Prosecutions ('ODPP') was established by the *Director of Public Prosecutions Act 1990* to institute, conduct and supervise prosecutions and related proceedings. It comprises the Director of Public Prosecutions ('Director'), an independent statutory officer appointed by the ACT's Executive branch of Government, and staff employed under the *Public Sector Management Act 1994*, to assist the Director. The ODPP, an independent prosecution authority of and for the ACT, is solely under the control of the Director.

The current Director, Shane Drumgold SC, was appointed on 1 January 2019. The Director is supported by the ODPP Inner Executive and Outer Executive in running the operations of the organisation. The Inner Executive is made up of two Deputy Directors, the Office Manager and Executive Officer, and the Outer Executive is made up of Crown Prosecutors on 5-year SES contracts.

Our function is to:

- prosecute crimes committed with a nexus to the ACT through an independent prosecution service that is responsive to the priorities of our criminal justice stakeholders, effectively contributing to the safety of our community, and the maintenance of the rule of law.
- provide the community with an independent and effective criminal prosecution service that is timely, efficient, and just.

The *Prosecution Policy of the Australian Capital Territory* ('the *Prosecution Policy*') sets out the principles we apply when carrying out prosecution work. Key decisions include:

- whether the evidence offers a reasonable prospect of conviction for the defendant and if yes
- if it is in the public interest to proceed with a prosecution.

Our *Business Plan 2021–2025* is the first business plan for the ODPP. It guides our annual business and operational planning in the context of our business environment. The business plan outlines our strategic priorities and core values and establishes the overall strategic direction of our organisation.

Our business plan serves as a framework for how we will deliver on our commitments and on our purpose over the next five years. It is aspirational, setting out what we want the ODPP to achieve over the next five years and how we propose achieving it. It includes our specific plans for how we will work towards our strategic aims during 2021-2025. Each year we will assess how we are fulfilling our vision.

Our Business Plan is based on the following key principles:

- (i) be effective in bringing offenders to justice.
- (ii) make the public confident and engaged.
- (iii) keep the needs of victims at its heart, and
- (iv) have simple, efficient processes.

## b) Director's Foreword

As Director, I have complete independence in relation to the operations of the ODPP. I have the support of the ODPP Inner Executive and Outer Executive with whom I share a common set of core beliefs about the current and future operations of ODPP, and a shared commitment to maintaining the integrity of the office. We believe that the existence of a strong, independent, effective, and publicly respected prosecuting service is absolutely essential for a fair criminal justice system based on the rule of law.

### Deliverables

An effective prosecution service will achieve three main outcomes:

- 1) make the community safer.
- 2) make the community feel safer.
- 3) do so in an efficient and cost-effective way, using best practice operations.

Based on sound legal principles, our strategic aims are to: *deliver a high-quality prosecution service that brings offenders to justice; help reduce crime; improve services to victims and witnesses; promote public confidence in the rule of law through the consistent fair and independent review of cases, and fair, thorough and firm presentation of cases in court; and adopt a fair and just approach to determine the offenders who should be charged and who should be diverted from court.*

Our vision is for us to be:

- a prosecution service that is independent, confident, efficient and effective, delivering justice for all and making the community safer.
- a prosecution service focussed on professionalism.
- trusted prosecutors who exercise sound judgement.
- independent in our decision-making, making prosecution decisions free from emotion, improper influence and in the interests of justice.
- transparent, accountable, and fair in our decision making.
- flexible, streamlined and efficient in how we work.

To achieve our vision, our mission statement is for our organisation to:

- maintain the integrity of the office.
- be visible and responsive to the community.
- be sensitive to the needs of the victim, ensuring that victims are supported, and their voices are heard.
- operate fairly, protecting the innocent and upholding the rule of law.
- argue for appropriate punishments that are focused on addressing the causes of offending.

We are committed to upholding the integrity and independence of the ODPP and maintaining public trust in the criminal justice system within the ACT. We will continue to strengthen our role as prosecutors through advocacy, by providing enhanced services and

support to victims and witnesses, by deepening our engagement with the community and by shaping prosecution policies that meet the needs of the community.

We work with our criminal justice stakeholders to protect the community and create a safer society. We appreciate that, where possible, our strategic aims need to be aligned and be consistent with the approaches our criminal justice partners are taking to manage the efficiency and effectiveness of the criminal justice system as a whole. Thus, we work in partnership with ACT Policing, ACT Courts and Tribunals, the ACT's Victims of Crime Commissioner, and all other ACT criminal justice stakeholders to reduce crime and its social and economic cost, dispense justice fairly and efficiently and promote confidence in the rule of law.

We will continue to place witnesses and victims of crimes at the centre of the criminal justice system. We have a Witness Assistance Service within the organisation to provide support to victims and witnesses.

### Our people

People are key to the delivery of this Business Plan 2021-2025. Rather than centralised decision making, the office adopts a federated structure, headed by the Director with an inner executive consisting of two Deputy Directors, an Executive Officer and an Office Manager, and an outer executive consisting of the Crown Prosecutors who are on SES contracts. The Deputy Director heading the Legal Practice sits above eight semi-autonomous teams each with a specialised focus. The structure incorporates a number of embedded review processes however adopts a many minds one heart decision making process, with this business plan providing the common heart.

Because of the federated structure we need to ensure we have a highly engaged and appropriately skilled workforce so we can continue to improve the way we work. Our People Strategy strengthens the commitment, support and guidance we give to our staff and is specifically designed to help us improve performance and achieve our strategic aims. We are confident that through our people and the successful delivery of this business plan, we will improve the service we provide to victims, witnesses, and the community we serve.

A lawyer employed by the office will have four significant attributes:

- 1) be committed to the pursuit of excellence.
- 2) be trusted by the judiciary, profession and the community.
- 3) be committed to excellence and independence in the application of their judgment.
- 4) at all times demonstrate they are calm, professional, measured and worthy of community confidence.

A prosecutor's duty is to make sure the right person is prosecuted for the right offence, and that trials are fair to all parties.

Our prosecutors must examine every case within their carriage. We provide expert legal advice early in investigations to help build strong cases or identify where a suspect should not be charged. We are committed to making sure that every case which satisfies the principles in the Prosecution Policy goes before the courts.

We also have a policy team with a strong knowledge and understanding of the importance of effective legal policies and its impact at the frontline. The policy team monitors current

and emerging legal issues and contributes to law reform. It also examines the outcomes of trials and appeal hearings, and where appropriate appeals cases or develops submissions that identify issues for law reform.

The last year has seen sustained progress in the transformation to digital working and workplace at the ODPP. During 2021-25 there will be further progress in digitisation and a focus on achieving greater integration and compatibility between the IT systems of the ODPP, ACT Courts and Tribunals and ACT Policing. Digitisation will improve efficiency and reduce costs, in line with the aims of wider criminal justice reform.

Our commitment to being a trusted prosecution service is underpinned by our core values:

- treat everyone with respect - we will respect everyone we work with, and the community we serve. We will listen to the views of our criminal justice stakeholders.
- be independent and fair - we will be independent, impartial and seek to deliver justice in the criminal cases we prosecute.
- behave professionally and constantly strive for excellence - we will work as a team that always seeks to deliver the best possible service for the community, striving for excellence and aiming to be efficient in everything we do.
- be honest and open - we will explain our decisions when the need arises and demonstrate integrity by being apolitical, open, honest, and accountable for our actions.

Our core values define us as an organisation and guide the way that we work and how we work across the ACT Government with our criminal justice stakeholders.

### Trends in crime

It is important to analyse our data to make objective assessments in trends in crime, so our planning not only factors current demands, but anticipates trends in future demand. This involves an analysis of historic data taken from our Annual Reports to predict future trends.

An analysis of historic data demonstrates we have experienced a significant increase in most offence categories over the past decade. When matters coming into the office per year are averaged over a five-year period from 2010-2015, and compared to the average over the five years 2015-2020, we see a relatively large increase in most categories, for example:

- homicide and related offences have increased from 16 to 19.
- dangerous and negligent acts have more than doubled from 51 to 105.
- abduction and related offences have almost tripled from 23 to 68.
- robbery and related offences have increased from 95 to 116.
- drug offences have increased from 195 to 250.
- weapons offences have increased from 74 to 135.
- miscellaneous offences (regulatory) have more than doubled from 224 to 578.
- sexual offences have increased from 114 to 132.

Whilst our figures suggest a slight drop in burglary offences from 182 to 171, theft offences from 366 to 276 and property damage from 139 down to 138, there has been an increase in the five-year annual average of all other reported offence categories.

Of importance, anecdotally we have experienced a clear shift in the way crime is committed, with a noted increase in the use of electronic commission as opposed to manual commission. Our assessment is that the drop in property and theft offences is not in fact a drop in the commission of such offences, rather a shift from manual commission to electronic commission following the exponential growth in online commerce that investigations and prosecutions have not yet responded to, and are potentially going undetected, and unprosecuted.

There has also been a significant increase in the reliance on electronic evidence such as evidence extracted from computers, phones and car computers as well as CCTV obtained from both private establishments and government installed CCTV on footpaths and roads. It is clear that both crime, investigations and prosecutions are evolving at an exponential rate, and the challenge for this office is to change with it, which will be a major focus of the office over the course of this business plan.

On balance, we anticipate that demand on our office will increase around 15-20% during the course of this business plan, with a corresponding shift towards electronic crime.

### Constant Improvement

Consistent with our commitment to deliver in an efficient, cost-effective and best practice way, we are committed to a constant review of our operations. This includes regularly process mapping our processes to improve speed, quality and eliminate waste. This includes not just process mapping ODPP functions, but process mapping our engagement with all key stakeholders such as ACT Policing, AFP Forensics and ACT Courts and Tribunals.

### Business Plan 2021-2025

Our Business Plan 2021-2025 is the first practical step towards achieving our vision for the future of our organisation. This business plan sets out our key priorities, the steps we are taking to deliver further improvement in performance, the risks we will have to manage to ensure delivery, and the measures and milestones we will use to assess our progress.

The four interrelated strategic themes that our business plan is based on are:

- high quality casework.
- high level of public confidence.
- supporting the success of our people, and
- continuous improvement.

The strategic themes inform our planning, guide our actions, and help us to set the strategic priorities to provide a framework that enables us to achieve our vision and strategic aims:

- strengthening the prosecution process.
- championing justice and the rights of victims.
- driving change and delivery in the criminal justice system.
- inspiring confidence in the community we serve.

Over the course of 2021-2025, the challenge to the ODPP will continue to be the delivery of greater efficiency and effectiveness without compromise to quality of service or the requirements of justice. Our commitment to drive efficiency has seen us develop a new business model for our office that has progressively evolved over the last two reporting years.

We also align risk management to our strategic objectives and culture in order to enhance quality assurance around the achievement of our strategic priorities. We aim to ensure that risk management is embedded in our prosecution service and business processes. Effectively engaging with and managing risks enables a successful delivery of our strategic objectives.

#### **c) Purpose**

The purpose of this Business Plan 2021-2025 is to:

- summarise our business priorities for our longer-term organisational ambitions (2021-2025).
- demonstrate alignment between our work and the aims and outcomes in our business plan.
- create clear ownership and accountability for the activities that we undertake.
- position us to work effectively with partners in the criminal justice system.

## **2. Key targets and parameters**

The key targets are minimum standards the ODPP aims to meet. Parameters are not targets rather they are the anticipated operating parameters that will impact both output and resources.

### **2.1 Staffing**

#### **2.1.1 Staff Turnover (parameter)**

A natural and expected turnover, particularly of legal staff is an essential part of the operations of all legal offices. The experience structure of our office is essentially a pyramid, with most staff at the lower experience level with numbers reducing as the experience level increases. For example, the majority of our lawyers are grade 1-2, with numbers reducing as they move through grade 3, then further for grades 4 and 5, with even fewer SES Crown Prosecutors. This is proportionate to the workloads, with greater numbers of simpler matters, reducing as matters increase in seriousness and complexity. This is the same for support staff, however to a lesser extent.

For this reason, as our lawyers grow in experience, there are relatively fewer high-level positions for them to be promoted to, so it is inevitable that a percentage of staff will gain experience during their time in the office, then move onto other opportunities outside of the office. The corresponding risk is that if staff turnover is too high, it places demands on office productivity, because new staff take time and resources to train and develop in order to become fully operational.

A balanced turnover is:

- Legal staff – 15-20% p/a.
- Support staff – 5-10% p/a.

#### **2.1.2 Absenteeism (parameter)**

Absenteeism includes sick leave and personal leave but excludes maternity leave, annual leave and long service leave. Absenteeism is inevitable, particularly with an inclusive workplace supportive of work life balance. On the other hand, if absenteeism is too high, it may be indicative of excessive workloads, insufficient welfare support or other operational issues.

The office operates on an anticipated absenteeism of around 5%.

#### **2.1.3 Diversity (target)**

We enjoy a diverse workforce, with around 65-70% female staff across all levels. We have an employment diversity statement, in which we commit to publishing self-reported percentages of ODPP staff with:

- English not first language for self or at least one parent.

- self or at least one parent born overseas.
- identifies as aboriginal or Torres Strait Islander.
- identifies as LGBTQIA.
- identifies as possessing a disability.

Although we do not set targets for most, we publish the figures in our Annual Report. We do however have a target of at least 5% of staff identifying as aboriginal or Torres Strait Islander, a figure commensurate with the broader community. This is assisted by our indigenous law student program, aimed at increasing the number of indigenous lawyers working within the criminal justice system. We have a memorandum of understanding in place with both the ANU and University of Canberra law schools, in which we place one indigenous law student from each university in the Prosecutor Associate Crown Chambers role for a 12-month period. During their placement, the student completes an associated subject as part of their law degree. This initiative is aimed at increasing the number of indigenous lawyers working within the criminal justice system.

## **2.2 Output indicators (target)**

### **2.2.1 Average cost per matter**

The budgeted average cost per matter is \$3000, with a target of being within 80% of this each quarter.

### **2.2.2 Percentage of Supreme Court Cases where trial documents are served in compliance of orders**

The target is to meet the trial orders in a minimum of 80% of matters.

### **2.2.3 Percentage of briefs served on defence within two weeks of DPP receiving them from the AFP**

The target is for the ODPP to comply with this target in a minimum of 80% of matters.

## **2.3 Casework (parameter)**

### **2.3.1 Total matters finalised**

It is anticipated that total matters finalised for a financial year will be around 5000 per year, with an anticipated growth of 3-4% p/a, amounting to a 15-20% increase during the course of this business plan.

## **2.4 Settled matters**

The percentage of matters resulting in a guilty finding by way of either a plea or a finding of guilt is an important indicator. It is not the case that every allegation of criminal conduct must culminate in a prosecution. The decision to prosecute should not be made lightly or automatically, but only after due consideration. Such decisions must be done in a

transparent way, against a clear and demonstrable set of considerations. The two main considerations are firstly whether there is a reasonable prospect of conviction, with the factors for consideration clearly outlined in section 2.7 of the Prosecution Policy. If this question is answered in the affirmative, a second question arises of whether it is in the public interest to continue the prosecution, with the factors for consideration clearly outlined in section 2.9 of the Prosecution Policy. The application of the factors for consideration by necessity requires the application of personal judgement against those factors.

Key indicators in the appropriate exercise of that personal judgment in the application of the relevant factors include the percentage of matters that culminate in established guilt measured against the following two targets.

#### **2.4.1 Percentage of matters committed for trial, where a plea of guilty is entered prior to trial**

This encompasses matters that are subject to a plea of guilty at any stage of proceedings between committal and the commencement of the trial, including a plea of guilty as the result of Criminal Case Conferencing.

The anticipated rate is 50% of all matters committed for trial will be subject to a plea of guilty prior to trial.

#### **2.4.2 Percentage of trials that return a verdict of not guilty**

There are three potential outcomes from a trial, firstly the matter can be subject to a guilty verdict, secondly the matter can be subject to a not-guilty verdict, thirdly the matter can be either subject to a hung jury or vacated for a range of other reasons and adjourned to a subsequent trial date. The use of the measure of guilty verdicts as a percentage is inaccurate as the remaining matters may be subject to a not-guilty verdict, however, may also be vacated, retried and subsequently subject to a guilty verdict. For this reason, we use the measure of not guilty verdicts which conclusively finalises the matter with an acquittal.

If the percentage of not-guilty verdicts is too high or too low, it may suggest that the application of the reasonable prospect of convictions tests in sections 2.7 of the prosecution policy may be either too optimistic, or too pessimistic.

We consider the target for an appropriate balance to be a not guilty percentage of 30-40% of all matters that proceed to trial.

### **3. Business Objectives and Operating Environment**

#### **3.1 Our Strategic Objectives**

We have developed strategic objectives to focus on our strategic priorities. The strategic objectives that drive our planning outcomes and manage our performance and risks, are grouped under five headings:

- a) Our People.
- b) Digital Capability.
- c) Strategic Partnerships.
- d) Quality Casework.
- e) Public Confidence.

Feeding our strategic objectives, we have identified a set of outcomes and success measures.

- a) Our People
  - i) Strategic Objective
    - support for the success and wellbeing of our people enables everyone to thrive.
  - ii) Outcomes
    - our workforce is diverse and inclusive.
    - our people are driven and committed to the pursuit of excellence.
    - our people have the skills and tools they need to succeed.
    - our supportive culture promotes wellbeing.
    - our people lead with our values.
  - iii) Success Measures
    - staff feel that the ODPP respects diversity.
    - our workforce has genuine diversity (ethnicity, sexuality, disability, gender).
    - staff receive training aligned to our work priorities.
    - staff feel the actions of middle managers and team leaders are consistent with our core values.
- b) Digital Capability
  - i) Strategic Objective
    - our investment in digital capability helps us adapt to the rapidly changing nature of crime and improve the way justice is carried out in the Territory.
  - ii) Outcomes
    - we have confidence in the security of our systems.

- we innovate, including using emerging technology.
- we are proactive in investing in our digital capability.
- iii) Success Measures
  - staff are sufficiently trained in digital technology.
  - staff are prepared for further delivery of digital projects.
- c) Strategic Partnerships
  - i) Strategic Objective
    - we are a leading voice in ACT government guiding the direction of the criminal justice system.
  - ii) Outcomes
    - we influence cross-criminal justice system change through trusted relationships.
    - we deliver justice through effective collaboration with our criminal justice stakeholders.
  - iii) Success Measures
    - delivery against our broader objectives.
    - further measures to be agreed as work under this strategic goal develops.
- d) Casework Quality
  - i) Strategic Objectives
    - our legal expertise, casework quality and collaboration across the criminal justice system keep the public safer.
    - ensuring excellence in casework quality secures public confidence and a sense of safety.
  - ii) Outcomes
    - cases are progressed in a timely manner.
    - cases are dealt with effectively.
    - the quality of our casework is enhanced through our operations.
  - iii) Success Measures
    - cases determined not to proceed are discontinued as soon as reasonably practicable.
    - cases that can be settled, are settled at the earliest possible opportunity.
    - the remaining prosecutions meet target results.
- e) Public Confidence
  - i) Strategic Objectives
    - we work with victims and witnesses by providing all appropriate support.

- we work with partners to serve victims and witnesses and uphold the rights of accused people in a way that is fair and understood by the community.
- ii) Outcomes
- victims and witnesses have a sense of fairness when interacting with the criminal justice system, regardless of outcome.
  - we ensure accused people are treated fairly by the criminal justice system.
  - the public understands our values.
- iii) Success Measures
- communication with victims is timely and of high quality.
  - victims and witnesses feel listened to by the ODPP in court.
  - disclosure obligations are met in accordance with the Prosecution Policy.
  - the public have confidence that the ODPP is effective at prosecuting people accused of committing a crime.

### **3.2 Our Operating Context and Challenges**

An important part of our business planning cycle is a careful assessment of our operations, as well as helping us to plan for the year ahead. This enables us to support our staff in responding to any new challenges and opportunities.

#### **3.2.1 Coronavirus (COVID-19)**

A major challenge to our organisation over the last 12 months has been the coronavirus (COVID-19) pandemic. The global COVID-19 pandemic has been a significant and unprecedented threat to the operations of the ODPP. Its impact has been felt in every part of our community. Our operational response evolved throughout the emergency, and we were engaged in cross-criminal justice emergency planning work. We played a central role in making sure that essential work to deliver justice continued, while doing everything possible to protect our people, our partners and stakeholders and the public. In the short term, that meant having to make a series of immediate changes as the ACT entered lockdown, including carefully adapting our ways of working and bringing forward certain initiatives to support our response, while rescheduling or rethinking others.

The situation continues to evolve. We will continue to act on the latest information and will review and adapt our operations and working practices. We have also seen a shift in patterns of crime types during the pandemic, which we will continue to monitor and work with our criminal justice partners to address.

#### **3.2.2 Family Violence and Sexual Offences**

Family violence and sexual offences are some of the more challenging crimes that we prosecute. We share the deep public concern over the growing gap between the number of such offences being reported and the number of criminals being convicted. We work closely with ACT Policing to improve how we tackle the challenges in bringing these cases to court. We also engage openly with our criminal justice stakeholders to share our approach and to

understand how we can best build public confidence that both victims and defendants will be treated fairly.

## **4. 2021/2025 Delivery Plan**

### **4.1 Overview of our 2021/25 Delivery Plan**

Our delivery plan encompasses our key initiatives and outputs for this year. It is based on planning assumptions which reflect current resources and constraints, as well as our work to plan for scenarios relating to possible emergencies caused by the COVID-19 pandemic. For example, a central focus in our casework will be continuing to respond to related challenges. We will continue to closely monitor this situation, adapting our plans as necessary.

### **4.2 Delivering our Strategic Objectives in 2021/25**

To deliver on our strategic objectives and thus our strategic priorities, we continue to focus on enhancing two organisational capabilities our people and digital capability. Our success depends on the recognition and development of the skills, knowledge and experience of our people and expanding the use of technology. As such, we endeavour to strengthen and further develop the capabilities and wellbeing of our staff and develop innovative and integrated technology.

#### **4.2.1 Our People**

To achieve our strategic objectives, we need a flexible and agile workforce with a range of capabilities from managing lists in the Magistrate's Court through to running the most serious matters in the ACT Supreme Court and Court of Appeal. We need the right people, with the right support, the right skills and the right capabilities, all requiring the right mindset. Therefore, we try to recruit and retain staff of the highest calibre while further developing our inclusive culture and diverse workforce.

Our continued success as an independent and fair prosecution service is dependent on attracting, developing, and further enhancing a highly skilled workforce that remains adaptive, dynamic, and engaged. We will continue to invest in our people, providing a comprehensive training program for prosecutors, and professional development opportunities for all supporting staff.

We will deliver our People Strategy, which promotes an inclusive culture of engagement, recognising individual contributions and teamwork and supporting our core values of strength, independence and fairness.

By facilitating a culture of ongoing capability development and enhancing our criminal prosecution practice through targeted and specific learning programs for our prosecutors, legal and non-legal staff, we will drive improvement in performance.

##### **4.2.1.1 People Strategy**

Our People Strategy encompasses developing and engaging staff to support the delivery of our key objectives.

We aim to support the creation of a modern public prosecution service and ensure we deliver on our strategic priorities and give renewed focus on leadership and staff engagement. Key to staff engagement we will be ensuring effective appraisal and

development for all staff, including excellence in our induction into the organisation for new starters.

We aim to establish organisational resilience and effectiveness within the workplace. We are committed to creating a flexible and responsive workforce that helps us achieve our outcomes while supporting staff to maintain a healthy work-life balance. We will continue to provide a range of supports for our staff including training and counselling in dealing with trauma, resilience training and mindfulness training through to ensuring there are clear and appropriate structures to address harassment and bullying, sexual harassment and maintenance of good mental health. We also have a clear time off in lieu (TOIL) policy, that encompasses both additional hours worked as well as stress from difficult subject matter.

We will undertake regular workforce planning activities to ensure we continually consider our workforce needs, especially in ensuring there are appropriately trained and skilled people at all levels in our organisation.

To enable us to work towards our strategic objectives, our people strategy provides for:

- conducting counselling and training on dealing with trauma, resilience, mindfulness and the maintenance of good mental health.
- maintaining effective structures to prevent and if needed, deal with workplace bullying and sexual harassment.
- remaining committed to work life balance.
- developing workforce strategies to support the implementation of our business strategies that develop the skills and capabilities of our staff.
- maintaining our recruitment strategy to ensure we attract the right people, continue to nurture talent, and provide the tools our staff need to map out their own career within the profession.
- fostering a culture of learning that offers all employees the learning opportunities and personal support required for their career development.
- engaging staff in the delivery of our vision by communicating key initiatives and encouraging feedback.

#### **4.2.1.2 Learning and Development**

We focus on developing an organisation where every member of the team is empowered to perform to the highest possible standard.

Our Learning and Development Strategy supports relevant learning within the ODPP to strengthen capabilities that support our strategic priorities.

We identify and foster staff skills at all levels, build employee capabilities and create career opportunities for all staff. We value 'on-the-job' learning through exposure to others who have the required expertise. We also offer learning opportunities that build and strengthen management and technical skills that are critical to our current and future workforce.

Our Learning and Development Strategy sets the framework that will enable managers to work in partnership with the Corporate Services team to pro-actively plan and invest in

learning and development activities that build workforce capability and thus contribute to our strategic objectives.

Our Learning and Development Strategy will also deliver greater clarity and shared understanding of our learning and development investment priorities and enable teams and individuals to grow and sustain critical core and business skills.

#### **4.2.1.3 Professional Development**

We support our people's professional development by combining individual development needs with our organisations' core skills. We are committed to developing, enhancing, and improving our prosecutorial performance and advocacy skills.

To enable us to work towards our strategic objectives, our Professional Development Strategy specifically includes:

- the skills required to build capability for prosecutors at all stages and levels through the course of their career at the ODPP.
- the delivery of sustainable and continuous improvement in our performance as prosecutors.
- engagement with the ACT Bar Association to hold whole of profession CDP training.
- our approach to instil confidence so that prosecutors and non-legal staff perform their work with the best knowledge and skills, and
- the need to continue to reinforce consistency of prosecutions in accordance with the *Prosecution Policy*.

#### **4.2.1.4 Workforce Management Strategy**

Our Workforce Management Strategy identifies the steps to be taken to ensure we have the necessary skills, capacity and capabilities required to achieve our strategic priorities.

To enable us to work towards our strategic objectives, our Workforce Management Strategy includes:

- strategic recruitment to ensure the ODPP has the right people.
- managers to plan for succession, recruitment and learning and development needs in a strategic way.
- Development of managers to get the best from their team members.
- capturing the key factors we need to consider in developing the actionable strategies and initiatives required to mitigate workforce risks.

Our Workforce Management Strategy is linked to our Office Employment Diversity Statement which articulates our ongoing commitment to workplace diversity and aims to foster a respectful, flexible, and fair workplace that encourages and promotes diversity.

The Office Employment Diversity Statement is complemented by the JACS Disability Justice Strategy which aims for sustainable improvement in representation of people with a disability. The Office Employment Diversity Statement also aims to increase the representation of indigenous employees in our organisation.

#### **4.2.1.5 Diversity and Inclusion**

Our equity and diversity strategies form part of the Justice and Community Safety Directorate's Respect, Equity and Diversity Framework. These equity and diversity strategies promote inclusiveness and diversity, accelerates gender equality, and embraces the unique skills of staff. Thus, the strategies support a workforce that reflects the diversity of our community. This ensures our staffing profile is reflective of the values of fairness and equality.

Our Disability Action Strategy and Office Employment Diversity Statement have driven cultural change at the ODPP. They are helping staff to reach their full potential, thus enhancing productivity, and increasing our relevance to our stakeholders. Our measure of success is the ODPP being an inclusive workplace where all staff feel valued and able to contribute.

#### **4.2.1.6 Sustainable Development**

We will deliver a sustainable approach to efficiency in order to reduce our resource costs and achieve improved productivity, based on a culture of continuous improvement.

We aim to work towards our strategic objective for sustainable development by implementing a Sustainable Development Strategy.

Our priority areas for sustainable operations under the Sustainable Development Strategy are:

- mitigate climate change through energy use reduction.
- sustainable procurement, consumption and production, and
- natural resource protection.
- reduce carbon emissions from our organisation.
- increase energy efficiency.
- reduce waste.
- increase recycling of waste.
- reduce waste consumption.

#### **4.2.2 Digital Capability**

Our digital capability encompasses both our operational capability as well as our engagement with electronic trends in both the commission of crime and consequential shifts in the types of evidence we engage with. As outlined in the Director's forward, we have experienced a clear shift in the way crime is committed, with a noted increase in the use of electronic commission as opposed to manual commission. Our assessment is that there has been a significant shift from manual commission to electronic commission following the exponential growth in online commerce that investigations and prosecutions have not yet responded to, and are possibly going undetected, and unprosecuted.

There has also been a significant increase in the reliance on electronic evidence such as evidence extracted from computers, phones and car computers as well as CCTV obtained from both private establishments and government installed CCTV on footpaths and roads. It is clear that both crime and investigations are evolving at an exponential rate, and the challenge for this office is to change with it, which will be a major focus of the office over the course of this business plan.

We will continue to modernise the way we work by investing in information technology and our digital capability, to be fit for the future and meet the needs of our people, our criminal justice stakeholders, and the ACT community. We seek to develop new legal processes that support justice, improve efficiency, and decrease costs to the criminal justice system.

We work closely with our people to develop their IT skills and knowledge, so they feel confident using new tools.

### **4.2.3 Strategic Partnerships**

We will contribute to government priorities through effective collaborations with various ACT criminal justice system partner agencies/stakeholders.

Although our independence is a vital part of our role to deliver justice, we work collaboratively with our criminal justice system partners, including ACT Policing, Justice and Community Safety Directorate, ACT Courts and Tribunals and the Victims of Crime Commissioner in order to achieve our strategic objectives.

We will continue to:

- proactively engage with stakeholders and trusted strategic partnerships across government to help to shape law and policy frameworks for our criminal justice system that will enable us to deliver justice effectively and efficiently.
- build trust and understanding of our work among partners through strategic stakeholder engagement.
- develop new ways of working that support the fair delivery of justice in the public interest, and
- examine how we work with our partner agencies, considering how we can work more closely, effectively and productively with them.

#### **4.2.3.1 Driving Change**

We will continue to develop effective working relationships with partners and seek to deliver change in partnership with them. To enable us to work towards this strategic objective, we will:

- support joint criminal justice system initiatives such as tackling prolific and priority offenders to help reduce crime and improve public confidence.
- liaise with relevant stakeholders in order to advocate for change and improvements to the criminal justice system.
- continue to review and develop of submissions for important law reform issues.

- contribute to the delivery of services to the criminal justice system to develop and introduce more effective ways of handling cases in the courts and improve the way that criminal cases are managed, and
- develop flexible ways of working to support the prosecution process, such as the use of technology in courts.

#### **4.2.4 Casework Quality**

We are continuously improving the way we deliver our casework. Our objective is to make sure that the right person is fairly prosecuted for the right offence, and casework excellence must underpin all that we do. We aspire to deliver high-quality prosecutions and just and consistent outcomes effectively and efficiently. We operate under professional standards that demonstrate integrity and fairness.

We will provide support to our prosecution teams, building on their expertise while empowering them to make the right decisions whilst being accountable for them, keeping quality decision making at the heart of everything we do. This involves efforts to improve the quality of our casework, from charging decisions through to the effective and timely disclosure of evidence, early investigative advice, case progression and our response to the changing nature of crime.

We will continue to work with a range of criminal justice partners to drive improvements in the quality of our casework and make timely decisions, supported by the best possible evidence. For example, we work closely with ACT Policing to provide early investigative advice, helping to bring stronger cases to the courts and to drive the right cases through the criminal justice system and to continue improving disclosure, meeting our disclosure obligations.

Our strategic objective is to deliver justice through timely, high quality legal decision-making, casework preparation and presentation.

#### **4.2.5 Public Confidence**

We contribute to public confidence in the criminal justice system by ensuring that our prosecutions are conducted fairly, consistently, and efficiently in accordance with the Prosecution Policy. Our prosecutors contribute to protecting the ACT community. We represent the public interest in the criminal justice system. Our decisions are open and transparent, and we aim to ensure the public trust that we are fair.

We will work toward educating the community and our partners on our role and our values. Improving how we engage with the public will bring clear benefits to both our community and the ODPP.

We engage fairly and appropriately with stakeholders and members of the community involved with or affected by the criminal justice system. We will also work together to build our understanding of the experience of victims, witnesses, and defendants, and to overcome the challenges that matter to our community. We work with our partners to serve victims and witnesses and uphold the rights of defendants in a way that is fair and understood by all communities. The fair treatment of defendants is central to our role in upholding the rule of law.

#### **4.2.5.1 Inspiring the Confidence of our Community**

To work towards our strategic objective of inspiring the confidence of our community, our initiatives will include:

- delivering on community justice.
- developing community engagement and ensuring that it supports and influences our work.
- continuing to be open and communicate our decisions in important cases to the public through the media and through our wider communications strategy.

#### **4.2.5.3 Victims and Witnesses and the ACT Community**

We will continue to support victims and witnesses and contribute to the priorities of ACT government. We aim to be sensitive and responsive to the concerns and needs of victims and witnesses, recognising their roles as participants in the criminal prosecution process and that we are dependent on their participation to deliver justice.

We will consistently review the standard of service provided to victims and witnesses at court and throughout the court process, including compliance with the Victims of Crime Charter.

## 5. Risk Oversight and Management

### 5.1 Risk Management

We recognise that engaging with risk is fundamental to us meeting our strategic objectives, and successfully delivering on our strategic priorities.

We are building a positive risk culture which empowers our staff to build competency and skills to manage risk as a part of their day-to-day work. We are currently developing our ability to anticipate and deal with the risks and uncertainties to the delivery of our strategic objectives. The ODPP Executive is responsible for ensuring that there are appropriate risk management arrangements in place and for proper management of corporate risks.

We are committed to a risk-based approach in carrying out our functions through documenting connectivity between work undertaken and risks identified.

### 5.2 Risk Management Process

Our risk management process provides a framework for anticipating potential problems and dealing with them in a systematic way.

Our Risk Management Framework below provides the basis for managing risk by focussing on 'control effectiveness', supporting our strategic objective of enhancing community confidence.

The identification and the monitoring and management of our corporate risks are the responsibility of all staff

We align our Corporate Risk to our five strategic objectives.

<b>Strategic Objective</b>	<b>Corporate Risks</b>
<b>Our People</b>	<ul style="list-style-type: none"><li>▪ Not having an engaged and energised workforce, with the right numbers of people in the right roles with the necessary skills and knowledge, to be able to deliver services in an effective and agile manner over the reporting period.</li><li>▪ Staff burnout - mental wellbeing and stress.</li><li>▪ Staff turnover - knowledge loss and case load pressures.</li><li>▪ Workforce management - lack of succession planning.</li></ul>
<b>Digital Capability</b>	<ul style="list-style-type: none"><li>▪ Unable to transform our business environment because of failure to embed and exploit digital working practices in the organisation and across the criminal justice system.</li><li>▪ Our data and infrastructure could become compromised or damaged.</li></ul>

<p><b>Strategic Partnerships</b></p>	<ul style="list-style-type: none"> <li>▪ Not fully engaging or influencing key stakeholders in a clear and coherent way, leading to failure to influence, reduce inefficiencies or delivering desired change.</li> </ul>
<p><b>Casework Quality</b></p>	<ul style="list-style-type: none"> <li>▪ Inconsistent application of the quality and timeliness of decision making, affecting our overall delivery.</li> </ul>
<p><b>Public Confidence</b></p>	<ul style="list-style-type: none"> <li>▪ Not delivering an effective service to victims and witnesses.</li> <li>▪ Out of date policies, procedures and guidelines.</li> </ul>

## 6. ORGANISATIONAL STRUCTURE

