



Office of the Director

ODPP COVID-19 RESPONSE
RESOLUTION OF INDICTABLE MATTERS

1. As all criminal lawyers will be acutely aware, the suspension of jury trials as a result of the COVID-19 situation has a number of significant ramifications for the criminal justice system.
2. It is more important than ever for the parties to a matter to do as much as possible to ensure that people do not spend longer than necessary in custody, that matters are properly dealt with as promptly as possible, and to reduce the number of matters which are unnecessarily in a court list.
3. For matters of which it has conduct, the Office of the Director of Public Prosecutions (ODPP) remains committed to the earliest assessment and, if possible, resolution, of criminal prosecutions.
4. Through its Early Resolution Advice Program, the ODPP is also available, if required, to assist WA Police in the early resolution of any indictable prosecutions (whether solely indictable or either-way), before the ODPP assumes conduct of the matter. Refer to the Notice to Profession dated 3 October 2019 (attached) for details of the ERAP.
5. Accordingly, I urge all lawyers representing accused in indictable matters to engage, as early as possible, in communications with the agency with the conduct of the prosecution (either WA Police or the ODPP) to discuss whether the prosecution can be resolved (whether by a plea of guilty to the charge/s, a negotiated plea of guilty or, where appropriate, by discontinuance).
6. Resolutions by way of a plea of guilty will, as always, require a factual basis which is consistent with the evidence, and will need to properly reflect the criminality of the conduct. For matters in which it will be the prosecutor at sentencing, the ODPP will not 'bargain' on sentence but will usually be in a position to indicate in advance its preliminary position on sentence, if given adequate notice and the factual basis has been resolved.
7. The ODPP will continue to observe the *ODPP Policy and Guidelines for Victims of Crime 2018*.
8. I am also aware that it is the preference of most practitioners in the criminal justice system to appear in courts in person only where necessary. To this end, the ODPP requests all defence counsel in DCH proceedings in the Perth Magistrates Court and the Stirling Gardens Magistrates Court to assist it to reduce DCH lists well in advance of hearings by promptly signing consent orders where an adjournment is agreed between the parties, to file them when their client is on bail, and to utilise the administrative committal process set out by s 43 of the *Criminal Procedure Act 2004* wherever possible.


Amanda Forrester SC
DIRECTOR OF PUBLIC PROSECUTIONS

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