



**Government
of South Australia**

**OFFICE OF THE DIRECTOR OF PUBLIC
PROSECUTIONS
2019-20 Annual Report**

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

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To: The Honourable Vickie Chapman MP
Deputy Premier
Attorney-General

This annual report will be presented to Parliament to meet the statutory reporting requirements required by section 12 of the *Director of Prosecutions Act 1991* and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

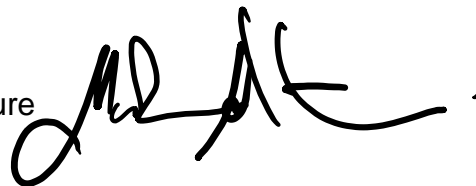
This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of the Office of the Director of Public Prosecutions by:

Martin Hinton QC
Director of Public Prosecutions

Date 30 September 2020

Signature

A handwritten signature in black ink, appearing to read 'M. Hinton', written over a horizontal line.

From the Director



I commenced in the position of Director of Public Prosecutions in November 2019 on the same day that the Office first took up residence in the GPO Exchange. Since the late 1980's the home of the ODPP had been 45 Pirie Street. For many, 45 Pirie Street holds fond memories. Very many of the State's magistrates and judges spent part of their professional journey in the ODPP and the CSO at 45 Pirie Street. A strong sense of history and corporate culture have developed. It is a history and a culture of which all who have been through the Crown Law Offices are rightly proud. I was lucky enough to be a part of it and upon taking up the position of Director, I looked forward once again to becoming immersed in it. So far I have not been disappointed.

I pay tribute to my predecessor for the outstanding job he did and the leadership he showed as Director. Mr Kimber SC has since been appointed to the District Court of South Australia, continuing a long history of judicial appointments from the ranks of the ODPP. The ODPP wishes him well. So too His Honour Judge Press, who was appointed to the same Court earlier this year and who was an outstanding servant of the ODPP for near on twenty years.

I record my admiration and appreciation for those who organised the move from 45 Pirie Street to the GPO Tower. The new accommodation, workstations as opposed to offices and an emphasis on exploiting electronic research and work systems presented many with the challenge of working differently. I am happy to report that, by and large, the transition has been smooth.

It would be remiss of me not to mention the job done by Sandi McDonald SC and the ODPP Executive and management teams in managing the Office in the period spanning Mr Kimber's departure and my arrival. Uncertainty is unnerving and unsettling. From my observation, however, wellbeing did not suffer and the high standard of professionalism with which the Office discharged its responsibilities was maintained.

The body of this report contains a comprehensive analysis of the ODPP's performance. The format departs from that of previous annual reports. It is a work in progress intended to provide greater transparency and greater assistance in managing performance.

The biggest challenge in the 2019/2020 financial year was the adjustment necessary in view of the COVID-19 pandemic. The leaves of this report do not demonstrate how all members of the ODPP pulled together and responded. In my view, the Office responded magnificently to new work conditions, new practices and new procedures. Further, once jury trials ceased the contribution that the Office was able to make in assisting the Coroners Court, South Australia Police, Forensic Science South Australia and the Public Advocate was significant. It showed a selfless preparedness to adjust and assist.

Looking forward, the pandemic will present further challenges as the criminal justice system addresses delay. The Office is planning for this. So too a number of very large prosecutions will stretch our resources and our people.

Since taking up my position, the ODPP Executive has instituted a number of reviews of various aspects of the ODPP structure and related practices and procedures. One aspect of this concerns assessing what the Office has learnt to date from the implementation of the major indictable offence reforms. Another, the work of the Vulnerable Witness Team and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. And a third, whether the Office should create a financial crime team. It is hoped that the outcome of these reviews and their implementation will improve efficiency and effectiveness without comprising the quality of the work done. It is also hoped that greater job satisfaction will be realised.

I look forward to the challenges of the coming year. I thank all members of staff for their hard work, their professionalism and their commitment to the Office. I also thank the Attorney-General and the Chief Executive for their unstinting support.



Martin Hinton QC

Director of Public Prosecutions

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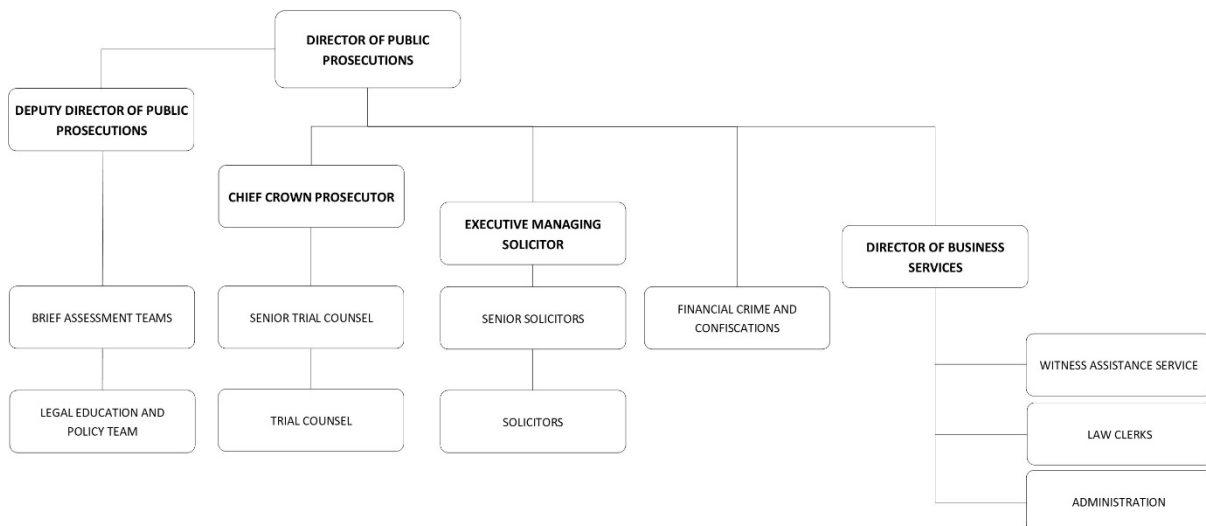
Overview: about the ODPP

Our strategic focus

<p>Our Purpose</p>	<p>The Director of Public Prosecutions is a statutory officer, independent of the Attorney-General’s Department, who initiates and conducts criminal prosecutions in the Magistrates, District and Supreme Courts of South Australia. The Director of Public Prosecutions also initiates and conducts appeals in the Full Court of the Supreme Court of South Australia and the High Court of Australia.</p>
<p>Our functions, objectives and deliverables</p>	<p>The objective of the Office of the Director of Public Prosecutions is to provide the people of South Australia with an independent and effective criminal prosecution service that is timely, efficient and just. The Office pursues this objective through the application of the Director of Public Prosecutions guidelines. The benefit to the South Australian community is the provision of an independent and impartial prosecution service which is essential to the rule of law.</p>

Our organisational structure

<https://www.dpp.sa.gov.au/about-us/our-organisation/>



Changes to the ODPP

During 2019-20 the following changes were made to the ODPP’s structure and objectives as a result of internal reviews or machinery of government changes:

- On 18 November 2019, Martin Hinton QC commenced in the role of Director of Public Prosecutions. Mr Hinton was previously a Supreme Court Justice since 2016.

- The former Chief Counsel (Appeals and Advice), Ian Press SC, was appointed to the District Court of South Australia on 12 December 2019 and commenced in that role on 20 January 2020.
- Senior roles within the ODPP Executive Structure were redefined as follows:
 - The Deputy Director (Counsel) role subsumed more agency focused responsibilities and was converted into the Deputy Director of Public Prosecutions' role. Sandi McDonald SC continues in this role; and,
 - The two temporary Managing Solicitor roles were amalgamated into one Executive Managing Solicitor role. Robyn Richardson has been performing this role since 4 February 2020.
- Chief Crown Prosecutor, James Pearce QC, joined the ODPP Executive and assumed responsibility for the operation of the Trial Counsel Section and appeals.
- In late June 2020, the Director of Public Prosecutions established a Financial Crime and Confiscations Section within the Office. This section is envisioned to undertake the management and conduct of all confiscations matters under the *Criminal Assets Confiscations Act 2005* as well as fraud matters. In 2020-21 a review of the functions of this new section will be undertaken and longer term resourcing and strategies will be implemented based on the recommendations of that review.
- In 2019-2020 it was timely to review the Brief Assessment Team (established in response to the changed prosecution processes under Major Indictable reform) and the Vulnerable Witness Team (established in 2018 as a result of a recommendation from an agency review in 2016 to establish more specialised teams).
- In cooperation with the SAPOL Major Indictable Brief Unit (MIBU), an early resolution initiative has been trialled. This initiative has involved embedding a senior police prosecutor in the ODPP to work in consultation with the ODPP Brief Assessment Team to identify matters likely to resolve and commence negotiations forthwith.

Our Minister



The Hon Vickie Chapman MP, Deputy Premier and Attorney-General is the State's principal legal advisor to the government and responsible for the administration of justice. The Attorney-General is a member of Cabinet and responsible for:

- specific legislation and the State's legal system
- developing and implementing policy
- legal action relevant to the State government.

Our Executive team

Director of Public Prosecutions

The Director is a statutory officer, independent of the Attorney-General's Department, who initiates and conducts criminal prosecutions in the Magistrates, District and Supreme Courts of South Australia. The Director also initiates and conducts appeals in the Full Court of the Supreme Court of South Australia and the High Court of Australia. The Director oversees the operations of the ODPP comprising various teams including Trial Counsel, Solicitors, Financial Crime and Confiscations, and Business Services (including the Witness Assistance Service) to ensure the ODPP provides the people of South Australia with an independent, impartial and effective criminal prosecution service that is timely, efficient and just.

Deputy Director of Public Prosecutions

The Deputy Director of Public prosecutions is responsible for the two Brief Assessment Teams and the Legal Education and Policy Team. In addition to the oversight of these workgroups, the Deputy Director oversees a range of office-wide functions and initiatives including wellbeing, various internal reviews and projects. The Deputy Director is also one of the most senior prosecutors within the Office and continues to undertake the prosecution of serious criminal trials in the District and Supreme Courts.

Chief Crown Prosecutor

The Chief Crown Prosecutor is responsible for the management of the Trial Counsel Section and appeals. This includes the allocation of resources for trial and appeals work across the Office. The Trial Counsel Section (including the Chief Crown Prosecutor) undertakes the prosecution of the most serious criminal pleas and trials in the District and Supreme Courts. In addition to the Director, Deputy Director and the Executive Managing Solicitor, senior members of the solicitor teams may also undertake appeal work in the Full Court of the Supreme Court of South Australia and the High Court of Australia.

Where the internal resources of the ODPP are not able to cover a particular trial, counsel at the independent Bar may be briefed. This occurs frequently. The Chief Crown Prosecutor is responsible for the management of the ODPP briefing out budget and for determining when to brief out and who to brief out to.

Executive Managing Solicitor

The Executive Managing Solicitor is responsible for all the solicitor teams except for the Brief Assessment Teams. The solicitor teams comprise the Vulnerable Witness Team, Circuit Team and three General Solicitor Teams. The solicitor work includes committals in the Magistrates Court and conduct of major indictable matters in the superior courts including pre-trial hearings and preparation of files for trial. Prosecution files include fraud, Drug Court matters, mental health orders, ICAC prosecutions and circuit work in Mount Gambier and Port Augusta. Senior members of the solicitor

teams also undertake appeal work in the Full Court of the Supreme Court of South Australia.

Director of Business Services

The Director of Business Services is responsible for the Business Services Section (BSS). The BSS comprises several administrative teams including the Witness Assistance Service (WAS), law clerks, secretaries and administrative staff. Overall, the BSS is responsible for all aspects of human resource management, financial services, information management, work health and safety, administrative policy and procedures, procurement, records management, risk management, and a range of other specific office support functions such as data entry, secretarial, reception and rounds delivery.

Legislation administered by the ODPP

Director of Public Prosecutions Act 1991

Criminal Assets Confiscations Act 2005

Other related agencies (within the Minister's area/s of responsibility)

Refer to the Attorney-General's Department 2019-20 Annual Report.

The ODPP's performance

Performance at a glance

This section provides an overview of ODPP file activity, conviction rates, prosecution brief outcomes and stages of resolution, trial outcomes, appeal outcomes and adjudication outcomes.

1. File Activity

Table 1.1. File activity¹

	Files at the start of the period	Files received during the period	Files closed during the period	Other ²	Files at the end of the period
Jul-19	2694	426	561	-30	2529
Aug-19	2529	430	424	23	2558
Sep-19	2558	451	445	23	2587
Oct-19	2587	493	414	-18	2648
Nov-19	2648	359	406	-1	2600
Dec-19	2600	358	360	11	2609
Jan-20	2609	464	409	22	2686
Feb-20	2686	389	425	3	2653
Mar-20	2653	433	415	31	2702
Apr-20	2702	429	480	-3	2648
May-20	2648	498	406	13	2753
Jun-20	2753	474	482	23	2768
2019-20 Total		5204	5227	97	

- Files counted may have one or more accused. Files include Prosecutions, Appeals, Confiscations, Mental Impairment matters, Bail Reviews, Habitual Sexual Offender matters, Magistrates Court Prosecutions, Opinions, Non-Parole Period matters, Breach Bonds, Drug Court matters and Adjudications. This data excludes WAS files (refer to Table 1.3 for WAS file activity).
- 'Other' includes matters being joined (-) or severed (+), erroneously opened (+ or -), closed files being re-opened (+).

Table 1.2. Files received¹

	Adjudication	Prosecution	Appeal	Confiscations	Mental Impairment	Habitual Sexual Offender	Other ²	Total
Jul-19	244	100	5	24	2	0	51	426
	57.28%	23.47%	1.17%	5.63%	0.47%	0%	11.97%	100%
Aug-19	211	139	8	15	3	0	54	430
	49.07%	32.33%	1.86%	3.49%	0.70%	0%	12.56%	100%
Sep-19	210	158	8	19	1	0	55	451
	46.56%	35.03%	1.77%	4.21%	0.22%	0%	12.20%	100%
Oct-19	238	171	11	13	0	1	59	493
	48.28%	34.69%	2.23%	2.64%	0.0%	0.20%	11.97%	100%
Nov-19	205	91	8	13	1	0	41	359
	57.10%	25.35%	2.23%	3.62%	0.28%	0%	11.42%	100%
Dec-19	208	98	11	8	0	0	33	358
	58.10%	27.37%	3.07%	2.23%	0%	0%	9.22%	100%
Jan-20	221	113	7	22	0	0	101	464
	47.63%	24.35%	1.51%	4.74%	0%	0%	21.77%	100%
Feb-20	216	109	9	12	1	0	42	389
	55.53%	28.02%	2.31%	3.08%	0.26%	0%	10.80%	100%
Mar-20	230	107	9	16	2	0	69	433
	53.12%	24.71%	2.08%	3.70%	0.46%	0%	15.94%	100%
Apr-20	215	117	10	19	1	0	67	429
	50.12%	27.27%	2.33%	4.43%	0.23%	0%	15.62%	100%
May-20	272	149	6	27	2	0	42	498
	54.62%	29.92%	1.20%	5.42%	0.40%	0%	8.43%	100%
Jun-20	269	113	9	36	1	0	46	474
	56.75%	23.84%	1.90%	7.59%	0.21%	0%	9.70%	100%
2019-20 Total	2739	1465	101	224	14	1	660	5204
	52.63%	28.15%	1.94%	4.30%	0.27%	0.02%	12.68%	100%

- Files counted may have one or more accused.
- 'Other' includes Magistrates Court Prosecution files, Opinions files, Bail Review files, Drug Court files, Non-Parole period files, and Breach Bond files

Table 1.3 Witness Assistance Service (WAS) file activity¹

	Files at the start of the period	New referrals during the period ²	Files closed during the period	Other ³	Files at the end of the period
Jul-19	518	31	30	-18	501
Aug-19	501	39	19	-1	520
Sep-19	520	46	26	2	542
Oct-19	542	41	19	-10	554
Nov-19	554	47	19	-12	570
Dec-19	570	23	16	1	578
Jan-20	578	28	31	-11	564
Feb-20	564	41	17	-1	587
Mar-20	587	33	32	2	590
Apr-20	590	44	37	-1	596
May-20	596	53	27	9	631
Jun-20	631	42	27	1	647
2019-20 Total		468	300	-39	

1. The figures presented are not inclusive of historic WAS files that are not in the Prosecution Case Management System.
2. Not every file received will be referred to WAS.
3. 'Other' includes matters being joined (-) or severed (+), erroneously opened (+ or -), closed files being re-opened (+).

Data is available at: <https://data.sa.gov.au/data/dataset>

2. Charge Determinations

Table 2.1. Preliminary briefs received for charge determination¹

	Preliminary Briefs Received	Number of Accused
Jul-19	88	109
Aug-19	119	151
Sep-19	150	171
Oct-19	168	203
Nov-19	99	126
Dec-19	97 ²	111
Jan-20	112	137
Feb-20	111	144
Mar-20	101	120
Apr-20	114	138
May-20	146	176
Jun-20	93	111
2019-20	1398	1697

- Files received may have multiple accused.
- One preliminary brief was returned for a second assessment during December 2019.

Table 2.2. Charge determination outcomes¹

	No charge determination	Charge determination made (minor/summary)	Charge determination made (major)	Charge determination not required	Total
Jul-19	14	10	85	4	113
	12.39%	8.85%	75.22%	3.54%	100%
Aug-19	22	9	92	0	123
	17.89%	7.32%	74.80%	0%	100%
Sep-19	28	11	117	0	156
	17.95%	7.05%	75.00%	0%	100%
Oct-19	20	14	125	1	160
	12.50%	8.75%	78.13%	0.63%	100%
Nov-19	38	10	128	2	178
	21.35%	5.62%	71.91%	1.12%	100%
Dec-19	44	5	97	1	147
	29.93%	3.40%	65.99%	0.68%	100%
Jan-20	10	8	96	1	115
	8.70%	6.96%	83.48%	0.87%	100%
Feb-20	16	7	98	0	121
	13.22%	5.79%	80.99%	0%	100%

Mar-20	24	2	140	2	168
	14.29%	1.19%	83.33%	1.19%	100%
Apr-20	9	6	107	1	123
	7.32%	4.88%	86.99%	0.81%	100%
May-20	7	8	120	1	136
	5.15%	5.88%	88.24%	0.74%	100%
Jun-20	7	7	144	3	161
	4.35%	4.35%	89.44%	1.86%	100%
2019-20 Total	239	97	1349	16	1701
	14.05%	5.70%	79.31%	0.94%	100%

1. Preliminary briefs may have been received in prior months. Outcomes are counted by accused.

Data is available at: <https://data.sa.gov.au/data/dataset>

3. Conviction Rates

Conviction rate is the number of accused who are either convicted by a jury or judge or plead guilty at any time after committal as a percentage of the total number of accused committed for trial. The following tables provide a breakdown of the overall conviction rate according to the percentage of convictions by verdict and convictions by plea.

Table 3.1. Overall conviction rates

	Overall conviction rate
Jul-19	79.01%
Aug-19	86.30%
Sep-19	72.62%
Oct-19	80.88%
Nov-19	81.91%
Dec-19	89.86%
Jan-20	88.24%
Feb-20	75.90%
Mar-20	79.45%
Apr-20	73.08%
May-20	81.82%
Jun-20	78.08%
YTD Average	80.60%

Table 3.2. Breakdown of conviction rates according to the proportion of convictions by verdicts and pleas

	Convictions by verdict	Convictions by plea
Jul-19	15.63%	84.37%
Aug-19	15.90%	84.10%
Sep-19	8.19%	91.80%
Oct-19	18.86%	81.13%
Nov-19	17.94%	82.05%
Dec-19	14.28%	85.71%
Jan-20	1.66%	98.33%
Feb-20	9.52%	90.47%
Mar-20	6.89%	93.10%
Apr-20	7.69%	92.30%
May-20	5.45%	94.54%
Jun-20	0%	100%
YTD Average	10.17%	89.83%

Data is available at: <https://data.sa.gov.au/data/dataset>

4. Prosecution File Outcomes

The following tables provide an overview of prosecution brief outcomes and the stages of resolution for the month. The stage of resolution is where a legal outcome is attained and no further action is required to be taken on a file. The stage of resolution reflects the time of attaining that result relative to the legal process. The data presented in this section is counted by accused and not by file.

Table 4.1. Stage of resolution for prosecution files finalised¹

	Pre-committal	Pre-trial	Trial²	Total³
Jul-19	57	10	35	102
	55.88%	9.80%	34.31%	100%
Aug-19	86	11	32	129
	66.67%	8.53%	24.81%	100%
Sep-19	70	14	29	113
	61.95%	12.39%	25.66%	100%
Oct-19	55	14	21	90
	61.11%	15.56%	23.33%	100%
Nov-19	62	22	33	117
	52.99%	18.80%	28.21%	100%
Dec-19	58	11	18	87
	66.67%	12.64%	20.69%	100%
Jan-20	61	13	8	82
	74.39%	15.85%	9.76%	100%
Feb-20	65	13	29	107
	60.75%	12.15%	27.10%	100%
Mar-20	70	13	21	104
	67.31%	12.50%	20.19%	100%
Apr-20	54	12	7	73
	73.97%	16.44%	9.59%	100%
May-20	64	15	15	94
	68.09%	15.96%	15.96%	100%
Jun-20	78	14	10	102
	76.47%	13.73%	9.80%	100%
2019-20 Total	780	162	258	1200
	65.00%	13.50%	21.50%	100%

1. This data is counted by accused and not by file.
2. Prosecution files resolved at the 'trial' stage are based on all trials (listed in previous or the current month) that resolved during the month. Because of this, the 'trial' figures in this table

will not match the figures in *Section 5 Trial Outcomes* which are based on trials listed for hearing in the month.

3. The total number of prosecution files in this table will not equal the total number of files closed in each month (Table 1.1). This is because Table 4.1 relates to only prosecution files (counted by accused) whereas Table 1.1 counts by file and includes Prosecutions, Appeals, Confiscations, Mental Impairment matters, Bail Reviews, Habitual Sexual Offender matters, Magistrates Court Prosecutions, Opinions, Non-Parole Period matters, Breach Bonds, Drug Court matters and Adjudications.

The following table provides a breakdown of the prosecution file outcomes attained within each resolution stage identified in Table 4.1.

Table 4.2. Outcomes of prosecution files resolved during the pre-committal stage

	Committed for sentence	Tender no evidence	Pleads guilty (Magistrates Court)	No case to answer	Other (including return to SAPOL)	Total
Jul-19	39	8	6	1	3	57
	68.42%	14.04%	10.53%	1.75%	5.26%	100%
Aug-19	61	16	8	0	1	86
	70.93%	18.60%	9.30%	0%	1.16%	100%
Sep-19	45	12	10	1	2	70
	64.29%	17.14%	14.29%	1.43%	2.86%	100%
Oct-19	32	14	4	0	5	55
	58.18%	25.45%	7.27%	0%	9.09%	100%
Nov-19	41	9	9	0	3	62
	66.13%	14.52%	14.52%	0%	4.84%	100%
Dec-19	41	7	7	0	3	58
	70.69%	12.07%	12.07%	0%	5.17%	100%
Jan-20	48	11	9	0	3	71
	67.61%	15.49%	12.68%	0%	4.23%	100%
Feb-20	47	3	11	0	4	65
	72.31%	4.62%	16.92%	0%	6.15%	100%
Mar-20	42	10	18	0	0	70
	60.00%	14.29%	25.71%	0%	0%	100%
Apr-20	36	7	11	0	0	54
	66.67%	12.96%	20.37%	0%	0%	100%
May-20	40	9	11	0	4	64
	62.50%	14.06%	17.19%	0%	6.25%	100%
Jun-20	53	7	16	0	2	78
	67.95%	8.97%	20.51%	0%	2.56%	100%
2019-20 Total	525	113	120	2	30	790
	66.46%	14.30%	15.19%	0%	3.80%	100%

Table 4.3. Outcomes of prosecution files resolved during the post-committal pre-trial stage

	Guilty plea (all/some/lesser)	Nolle Prosequi	White Paper	Other¹	Total
Jul-19	4	3	2	1	10
	40.00%	30.00%	20.00%	10.00%	100%
Aug-19	7	1	1	2	11
	63.64%	9.09%	9.09%	18.18%	100%
Sep-19	6	5	3	0	14
	42.86%	35.71%	21.43%	0%	100%
Oct-19	10	2	1	1	14
	71.43%	14.29%	7.14%	7.14%	100%
Nov-19	13	3	6	0	22
	59.09%	13.64%	27.27%	0%	100%
Dec-19	6	3	2	0	11
	54.55%	27.27%	18.18%	0%	100%
Jan-20	10	3	1	0	14
	71.43%	21.43%	7.14%	0%	100%
Feb-20	10	1	1	1	13
	76.92%	7.69%	7.69%	7.69%	100%
Mar-20	8	1	2	2	13
	61.54%	7.69%	15.38%	15.38%	100%
Apr-20	4	3	4	1	12
	33.33%	25.00%	33.33%	8.33%	100%
May-20	13	1	0	1	15
	86.67%	6.67%	0%	6.67%	100%
Jun-20	8	1	4	1	14
	57.14%	7.14%	28.57%	7.14%	100%
2019-20 Total	99	27	27	10	163
	60.74%	16.56%	16.56%	6.13%	100%

1. 'Other' includes matters where the accused is mentally unfit to stand trial or found to be mentally incompetent.

Table 4.4. Outcomes of prosecution files resolved during the trial stage¹

	Guilty plea (all/some/lesser)	Not guilty verdict	Guilty verdict (all/some/lesser)	Nolle Prosequi	Other²	Total
Jul-19	14	8	10	2	1	35
	40.00%	22.86%	28.57%	5.71%	2.86%	100%
Aug-19	11	6	13	2	0	32
	34.38%	18.75%	40.63%	6.25%	0%	100%

Sep-19	10	13	5	1	0	29
	34.48%	44.83%	17.24%	3.45%	0%	100%
Oct-19	5	3	10	3	0	21
	23.81%	14.29%	47.62%	14.29%	0%	100%
Nov-19	12	4	14	3	0	33
	36.36%	12.12%	42.42%	9.09%	0%	100%
Dec-19	7	2	9	0	0	18
	38.89%	11.11%	50.00%	0%	0%	100%
Jan-20	4	2	1	1	0	8
	50.00%	25.00%	12.50%	12.50%	0%	100%
Feb-20	7	11	6	5	0	29
	24.14%	37.93%	20.69%	17.24%	0%	100%
Mar-20	8	4	4	5	0	21
	38.10%	19.05%	19.05%	23.81%	0%	100%
Apr-20	2	2	3	0	0	7
	28.57%	28.57%	42.86%	0%	0%	100%
May-20	4	2	3	5	1	15
	26.67%	13.33%	20.00%	33.33%	6.67%	100%
Jun-20	4	5	0	1	0	10
	40.00%	50.00%	0.00%	10.00%	0%	100%
2019-20 Total	88	62	78	28	2	258
	34.11%	24.03%	30.23%	10.85%	0.78%	100%

1. The trial stage commences one week prior to the date on which the trial was listed to commence and continues up until the closure of the file (not including any appeal). The proportion of guilty pleas and verdicts within this table correspond only to the number of files that were finalised during the trial stage concluding in the report month and are not representative of the overall conviction rate which includes pleas arising from the post-committal pre-trial stage. For conviction rates please refer to Tables 3.1 and 3.2.
2. 'Other' includes matters where the accused is mentally unfit to stand trial or found to be mentally incompetent.

Data from previous years (where applicable) is available at: <https://data.sa.gov.au/data/dataset>

5. Trial Outcomes

Outcomes represent all possible outcomes of the prosecution process that occurred during the trial stage whereas resolutions represent only outcomes where no further action is required to be taken on a file. Trial outcomes reported in this part reflect the outcomes for trials listed to be heard during the month. Those trials may not have concluded during the same month. Hence, there will be a difference between trial outcomes in the data provided in previous tables because they relate to different data concepts.

Table 5.1. Summary of outcomes (by accused) for trials listed for hearing in the period (includes verdicts)¹

	Trials that resolved before the month of trial	Trials that resolved in the same month that the trial was listed	Trials with no resolution in the month that the trial was listed²	Trials commencing in the month listed but not resolved until a later month³	Total
Jul-19	26	29	16	7	78
	33.33%	37.18%	20.51%	8.97%	100%
Aug-19	7	27	18	2	54
	12.96%	50.00%	33.33%	3.70%	100%
Sep-19	13	30	17	5	65
	20.00%	46.15%	26.15%	7.69%	100%
Oct-19	11	20	11	2	44
	25.00%	45.45%	25.00%	4.55%	100%
Nov-19	15	28	8	2	53
	28.30%	52.83%	15.09%	3.77%	100%
Dec-19	3	20	8	0	31
	9.68%	64.52%	25.81%	0%	100%
Jan-20	3	6	11	1	21
	14.29%	28.57%	52.38%	4.76%	100%
Feb-20	11	26	18	7	62
	17.74%	41.94%	29.03%	11.29%	100%
Mar-20	19	21	22	3	65
	29.23%	32.81%	34.38%	4.69%	100%
Apr-20	11	6	3	3	23
	47.83%	26.09%	13.04%	13.04%	100%
May-20	30	13	11	0	54
	55.56%	24.07%	20.37%	0%	100%
Jun-20	48	10	13	9	80
	60.00%	12.50%	16.25%	11.25%	100%
2019-20 Total	197	236	156	41	630
	31.27%	37.46%	24.76%	6.51%	100%

1. Trials have been counted by accused. For November there were 2 matters with multiple accused, for December there was 1 matter with multiple accused, for January there was 1 matter with multiple accused and for February 2020 there were 2 matters with multiple accused. For April 2020 there were 4 matters with multiple accused. For June 2020 there were 5 matters with multiple accused.
2. No resolution includes vacated (by DPP/Defence application), judgement or decision reserved, mistrial, hung jury, no court or judge available or due to bench warrants.
3. Trials commencing in the month listed for hearing but not resolved until a later month includes verdicts from trials that have carried over into subsequent months.

Table 5.2. Breakdown of outcomes from the trials that resolved in the month

	Guilty Verdict	Not Guilty Verdict	Nolle Prosequi	Guilty Pleas¹	Other²	Total
Jul-19	8	6	2	12	1	29
	27.59%	20.69%	6.90%	41.38%	3.45%	100%
Aug-19	10	5	2	10	0	27
	37.04%	18.52%	7.41%	37.04%	0%	100%
Sep-19	5	11	1	12	1	30
	16.67%	36.67%	3.33%	40.00%	3.33%	100%
Oct-19	8	3	4	5	0	20
	40.00%	15.00%	20.00%	25.00%	0%	100%
Nov-19	11	4	3	10	0	28
	39.29%	14.29%	10.71%	35.71%	0%	100%
Dec-19	8	2	1	9	0	20
	40.00%	10.00%	5.00%	45.00%	0%	100%
Jan-20	1	2	1	2	0	6
	16.67%	33.33%	16.67%	33.33%	0%	100%
Feb-20	6	10	3	7	0	26
	23.08%	38.46%	11.54%	26.92%	0%	100%
Mar-20	3	3	4	11	0	21
	14.29%	14.29%	19.05%	52.38%	0%	100%
Apr-20	2	2	1	1	0	6
	33.33%	33.33%	16.67%	16.67%	0%	100%
May-20	2	3	5	3	0	13
	15.38%	23.08%	38.46%	23.08%	0%	100%
Jun-20	0	4	2	4	0	10
	0%	40.00%	20.00%	40.00%	0%	100%
2019-20 Total	64	55	29	86	2	236
	27.12%	23.31%	12.29%	36.44%	0.85%	100%

1. Pleas include where a plea was received on the day of or prior to the day of trial or where there was a plea change during the trial.
2. 'Other' includes mental incompetence and unfitness to stand trial.

Table 5.3. Breakdown of the reasons why trials listed for hearing were not resolved in the same month

	Vacated ¹	Judgement/ Decision Reserved	Mistrial	Hung Jury	Other	Total
Jul-19	6	6	3	0	1 ²	16
	37.50%	37.50%	18.75%	0%	6.25%	100%
Aug-19	9	7	0	2	0	18
	50.00%	38.89%	0%	11.11%	0%	100%
Sep-19	11	4	2	0	0	17
	64.71%	23.53%	11.76%	0%	0%	100%
Oct-19	6	3	1	1	0	11
	54.55%	27.27%	9.09%	9.09%	0%	100%
Nov-19	4	2	1	1	0	8
	50.00%	25.00%	12.50%	12.50%	0%	100%
Dec-19	6	2	0	0	0	8
	75.00%	25.00%	0%	0%	0%	100%
Jan-20	5	5	0	1	0	11
	45.45%	45.45%	0%	9.09%	0%	100%
Feb-20	12	4	2	0	0	18
	66.67%	22.22%	11.11%	0%	0%	100%
Mar-20	16	3	2	0	1 ³	22
	72.73%	13.64%	9.09%	0%	4.55%	100%
Apr-20	3	0	0	0	0	3
	100%	0%	0%	0%	0%	100%
May-20	5	4	2	0	0	11
	45.45%	36.36%	18.18%	0%	0%	100%
Jun-20	2	9	2	0	0	13
	15.38%	69.23%	15.38%	0%	0%	100%
2019-20 Total	85	49	15	5	2	156
	54.49%	31.41%	9.62%	3.21%	1.28%	100%

1. Reasons are summarised in Table 5.4.
2. Trial by Judge Alone was adjourned to November 2020.
3. E-Crime material and witness were not available.

Table 5.4. Breakdown of reasons for trials listed in a month and vacated in that month

	Defence Application	DPP Application	Joint Application	No judge/No Court available	Other	Bench Warrant ¹	COVID-19	Total
Jul-19	4	1	0	1	0	0	0	6
	66.67%	16.67%	0%	16.67%	0%	0%	0%	100%
Aug-19	5	2	1	1	0	0	0	9
	55.56%	22.22%	11.11%	11.11%	0%	0%	0%	100%
Sep-19	6	3	0	1	1	0	0	11
	60.00%	30.00%	0%	10.00%	10.00%	0%	0%	110%
Oct-19	3	0	0	2	0	1	0	6
	50.00%	0%	0%	33.00%	0%	17.00%	0%	100%
Nov-19	1	1	0	2	0	0	0	4
	25.00%	25.00%	0%	50.00%	0%	0%	0%	100%
Dec-19	6	0	0	0	0	0	0	6
	100%	0%	0%	0%	0%	0%	0%	100%
Jan-20	3	0	0	1	0	1	0	5
	60.00%	0%	0%	20.00%	0%	20.00%	0%	100%
Feb-20	5	2	0	3	0	2	0	12
	41.67%	16.67%	0%	25.00%	0%	16.67%	0%	100%
Mar-20	4	2	0	1	1	0	9	17
	23.53%	11.76%	0%	5.88%	5.88%	0%	52.94%	100%
Apr-20	0	0	1	0	0	0	2	3 ²
	0%	0%	33.33%	0%	0%	0%	66.67%	100%
May-20	2	0	0	0	0	0	3	5 ³
	40.00%	0%	0%	0%	0%	0%	60.00%	100%
Jun-20	1	0	0	0	0	0	1	2 ⁴
	50.00%	0%	0%	0%	0%	0%	50.00%	100%
2019-20 Total	40	11	2	12	2	4	15	86
	46.51%	12.79%	2.33%	13.95%	2.33%	4.65%	17.44%	100%

1. A 'Bench Warrant' is issued when an accused does not appear for trial.
2. 9 trials listed for April 2020 were vacated in prior months due to COVID-19.
3. 18 trials listed for May 2020 were vacated in prior months due to COVID-19.
4. 29 trials listed for June 2020 were vacated in prior months due to COVID-19.

Table 5.5. Trials vacated due to COVID-19¹

Month listed	Number of vacated trials
Mar-20	9
Apr-20	11
May-20	16
Jun-20	29
2019-20 Total	65

1. The data outlined in this table has been counted by trial and will therefore differ to the data summarised in previous tables as they were counted by accused.

Data from previous years (where applicable) is available at: <https://data.sa.gov.au/data/dataset>

6. Appeal Outcomes

Table 6.1. Outcomes of Appeal Applications by DPP

Outcome	Against Sentence	Against Conviction	Other Grounds
Allowed	5	1	3
Dismissed	2	0	0
Other	0	0	0
Withdrawn/Abandoned	2	0	1
Total	9	1	4

Table 6.2. Outcomes of Appeal Applications by Defence

Outcome	Against Sentence	Against Conviction
Conviction quashed	0	12
Sentence reduced	12	0
Appeal dismissed	16	28
Other	4	2
Total	32	42

Data from previous years is available at: <https://data.sa.gov.au/data/dataset>

7. Adjudication Outcomes

Table 7.1. Adjudication Outcomes

Outcome	Count	%
Major Indictable	2272	75%
Minor Indictable/Summary	576	19%
Do not lay charges	108	4%
Other	55	2%
Total Finalised	3011	100%

Data from previous years is available at: <https://data.sa.gov.au/data/dataset>

ODPP contribution to whole of Government objectives

Key objective	ODPP's contribution
Better Services	<ul style="list-style-type: none"> Ensuring that vulnerable victims and witnesses are supported throughout the criminal prosecution process. Contributing to a timely and accessible criminal justice system. Contributing to the delivery of Criminal Justice Sector reforms. Exploring technologies and best practice to ensure criminal prosecution processes are efficient and effective. Provides an effective, efficient and impartial prosecution service.

ODPP specific objectives and performance

ODPP objectives	Indicators	Performance
Ongoing implementation of Major Indictable Reform (MIR)	Continued involvement with MIR in relation to legal and procedural changes in the criminal justice jurisdiction.	The Office has undertaken a significant analysis of resourcing and efficiencies associated with the recommendations made by the Honourable Brian Martin AO QC in his 2019 review of the MIR.

<p>Canine Court Companion Project (CCCP)</p>	<p>Stage 2 of the CCCP involves the introduction of the Canine Court Companion (CCC) into the District and Supreme Court environments with a focus on attendance at Vulnerable Witness Suites waiting areas. Phase 1 of Stage 2 is a training program which provides the CCC with familiarisation in the new places of work so that he can become familiar with the physical environment.</p>	<p>Stage 2 of the CCCP is currently on hold due to restrictions associated with accessing the court environment during the COVID-19 limitations. This program will continue in 2021.</p>
<p>Business models</p>	<p>The development of business models utilising data science to better understand, predict, measure and optimise ODPP work effort and resource management.</p>	<p>The ODPP commenced a project in May 2020 in conjunction with Capgemini to develop a computer-generated complexity rating for prosecution files. The Case Complexity Model (CCM) creates an objective efficiency tool for the Office to manage workloads, allocate resources and assist in the professional development of staff.</p>
<p>Internal Reviews</p>	<p>As part of best practice conduct regular reviews of business processes to ensure currency and efficiency.</p>	<p>During 2019-20, the Office initiated reviews of two key internal functions including:</p> <ul style="list-style-type: none"> • The practices and processes of the Vulnerable Witness Team and where relevant, enhancing our alignment with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. • The Brief Assessment Team (BAT) which was established as part of the new processes arising from the implementation of MIR. The BAT review sought to ensure that

		<p>the new processes were efficient and effective.</p> <p>Both internal reviews will be finalised in 2021.</p>
<p>COVID-19 response</p>	<p>Management of the ODPP workforce during the COVID-19 environment to ensure efficiencies of resourcing and wellbeing of staff.</p>	<p>From March 2020, the ODPP implemented a program which facilitated the maximum availability for work from home opportunities for legal staff. The decreasing occurrence of jury trials during this period lead to the ability of the Office to provide resources to alternative government agencies to assist with COVID-19 related workforce shortages. Examples include providing legal assistance to SAPOL and the outposting of several senior prosecutors to the Coroner's Office, administrative staff to Forensic Science South Australia, and a number of trained social workers to the Office of the Public Advocate.</p>
<p>Aboriginal Liaison Officer (ALO) Project</p>	<p>To provide an enhanced level of support for the engagement of Aboriginal victims and witnesses throughout the criminal prosecution process.</p>	<p>In late-2019, the Office implemented a pilot program to utilise existing Aboriginal staff to provide support to Aboriginal victims and witnesses during the trial process.</p> <p>This program commenced in February 2020 with feedback from both staff and the victim involved being very positive. Unfortunately, this program has been put on hold during the COVID-19 environment but is expected to resume in 2021.</p>

General Compliance

Reporting on the following aspects of the ODPP is contained within the Attorney-General's Department 2019-20 Annual Report:

- Corporate performance summary
- Employment opportunity programs
- ODPP performance management and development systems
- Work, health, safety and return to work programs
- Executive employment in the ODPP
- Financial performance of the ODPP
- Consultants
- Contractors
- Risk management
- Public complaints, compliments and feedback

Other financial information

In relation to Criminal Assets Confiscations, the following data is provided:

Criminal Assets Confiscations	2019-20
Briefs Received	224
Briefs Finalised	216
Deposited to Victims of Crime Fund	\$ 4,102,132.29
Deposited to Justice Rehabilitation Fund	\$ 45,835.00

Data from previous years is available at: <https://data.sa.gov.au/data/dataset>

In relation to briefing out of trials to the private bar by the ODPP, the following financial data is provided:

Briefing out of trials to private bar	2019-20
Number of Matters	62
Total Cost	\$460, 903.00

Data from previous years is available at: <https://data.sa.gov.au/data/dataset>

Reporting required under any other act or regulation

Act or Regulation	Requirement
<p><i>Director of Public Prosecutions Act 1991</i></p>	<p><u>Section 9(2)</u> The Attorney-General may, after consultation with the Director, give directions and furnish guidelines to the Director in relation to the carrying out of his or her functions.</p> <p><u>Section 11(1)</u> The Director may give directions or furnish guidelines to the Commissioner of Police or other persons investigating, or prosecuting, offences on behalf of the Crown.</p> <p><u>Section 11(2)</u> Any such directions or guidelines must be published in the Annual Report.</p>

There were no directions or guidelines given by the Attorney-General to the Director of Public Prosecutions pursuant to section 9 of the *Director of Public Prosecutions Act 1991* during the 2019-20 financial year.

There were no directions issued to the Commissioner of Police by the Director of Public Prosecutions pursuant to section 11 of the *Director of Public Prosecutions Act 1991* during the 2019-20 financial year.

Act or Regulation	Requirement
<p><i>Criminal Assets Confiscations Act 2005</i></p>	<p><u>Section 229A(1)</u> The Attorney-General has an obligation to report on the operation of the amendments enacted by the <i>Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016</i> during the financial year ending on the preceding 30 June.</p> <p><u>Section 229A(2)</u> A report under this section must include the following information for the financial year to which the report relates:</p> <p>a) the number of persons who became prescribed drug offenders during that period;</p>

Act or Regulation	Requirement
	<p>b) the number of restraining orders made during that period in relation to persons who, if convicted of the serious offence to which the restraining order relates, will become prescribed drug offenders;</p> <p>c) details of property forfeited under this Act during that period that was owned by or subject to the effective control of a prescribed drug offender on the conviction day for the conviction offence.</p>

During the 2019-20 financial year, in relation to:

Section 229A (2) (a)

There were 41¹ persons who became prescribed drug offenders.

Section 229A (2) (b)

There were 10² restraining orders made in relation to persons who, if convicted of the serious offence to which the restraining order relates, will become prescribed drug offenders.

Section 229A (2) (c)

In 2019-20, the following property was (deemed) forfeited:

- The defendant’s interest in 11 real properties
- 13 vehicles (which may include the defendant’s interest in a vehicle, where the defendant’s interest is not the sole interest)
- \$691,368.13 in cash
- 8 firearms

This information relates to property that was ‘deemed forfeited’ to the Crown, including some of which is still subject to on-going applications made by defendants under s 59A for the court to exclude a portion thereof, based on cooperation with police. The potential granting of any exclusion of such property (and if so, to what extent), obviously cannot be accounted for in this report.

¹ One defendant became a prescribed drug offender twice during 2019-20 but has only been counted once.

² Three restraining orders involved two defendants each. This has been counted as three restraining orders.

Reporting required under the *Carers' Recognition Act 2005*

Nil to report.

Appendix: Audited financial statements 2019-20

Refer to Attorney-General's Department 2019-20 Annual Report.