

OFFICIAL



**Government
of South Australia**

**OFFICE OF THE DIRECTOR OF PUBLIC
PROSECUTIONS
2020-21 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 under 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 29 September 2021

Signature

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

From the Director



In my 2019/2020 Annual Report I referred to a number of reviews undertaken into various aspects of the ODPP. Those reviews were either completed or nearing completion. They have now all been completed and are at various stages of implementation. What does that mean in reality? It means we have eliminated the Brief Assessment Team, and with it, double-handling in our consideration of briefs pre-committal; we have re-worked the test governing when a prosecution is to be instituted to make more clear the evidential threshold to be met; we have worked with South Australia Police and Forensic Science South Australia to develop preliminary reports that will assist in reducing delays in the preparation of preliminary briefs; we have modified our approach to adjudication to provide greater assistance to investigating officers; we have commissioned an Information and Technology (IT) strategic plan; we have assembled a dedicated confiscation and commercial crime team, and, in response to Government initiatives, are in the process of creating a team to deal exclusively with the pre-trial taking of evidence in cases involving complainants who are children or vulnerable. This is not all we have done, but it is enough to demonstrate that we have begun a process of ambitious change so that the ODPP may continue to provide an efficient and effective prosecution service for the people of this State.

We are not finished. The coming year will see us complete the implementation of the Witness Assistance Team Review, review the ODPP Guidelines, develop an all of Office continuing legal education program, and continue to engage with data analytics, amongst other initiatives.

Change on this scale can be unsettling. Generally, however, the process we have undertaken has been embraced. It has allowed us to achieve greater flexibility allowing for work to move more easily to where there is capacity. That, in turn, has contributed to the better management of wellbeing.

All the while we have continued to discharge our duties to a high standard across all courts in the face of a demanding and relentless workload.

Maintaining consistency with the format of the 2019-20 Annual Report, in the leaves of this report we have assembled a comprehensive analysis of the ODPP's performance for 2020-2021. The indicators reflect favourably upon all concerned.

I thank all members of staff for their hard work, patience, support and professionalism. I also thank them for their commitment to the Office, to each other, and to what we do. Lastly, I thank the Attorney-General and the Chief Executive whose support this past year has not wavered.

A handwritten signature in black ink, appearing to read 'M. Hinton', with a stylized flourish at the end.

Martin Hinton QC

Director of Public Prosecutions

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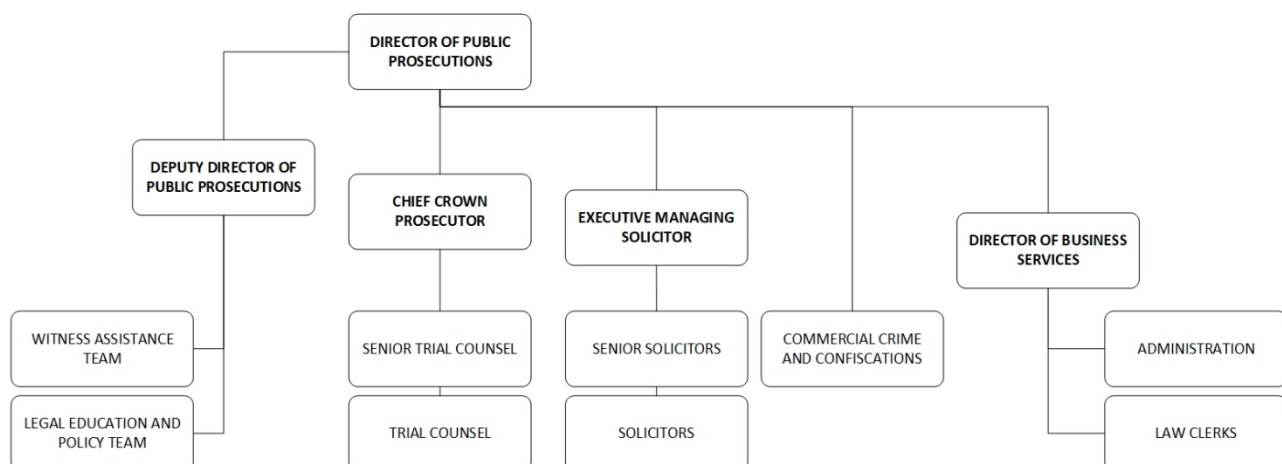
Overview: about the agency

Our strategic focus

Our Purpose	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.
Our Vision	A highly skilled, professional prosecution service committed to achieving justice for the people of South Australia.
Our functions, objectives and deliverables	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 Prosecution's 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.

Our organisational structure

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



Changes to the agency

During 2020-21 changes were made to the ODPP's structure and objectives as a result of internal reviews or machinery of government changes:

- The following changes were made in accordance with the recommendations made as part of the external Witness Assistance Service Review conducted in November 2020. In line with that Review:
 - In March 2021, the Witness Assistance Service was renamed the Witness Assistance Team (WAT).
 - In May 2021, the role requirements of the WAT Manager was reviewed and updated to prioritise management capabilities.
- The following changes were made in accordance with the recommendations made as part of the internal Brief Assessment Team Review conducted in February 2021:
 - In April 2021, the two Brief Assessment Teams were disbursed across existing general solicitor teams and no longer operate as a specialised work group. The general solicitor teams now hold responsibility for all incoming preliminary briefs.
 - In April 2021, the adjudications function previously performed by the Brief Assessment Teams and Court of Appeal processes were assigned to a new team within the Trial Counsel Section.
- In May 2021, a dedicated Commercial Crime and Confiscations team was established to deal with matters relating to corruption, financial crime, cybercrime and the confiscation of assets.

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, Commercial Crime and Confiscations, Business Services and the Victim and Witness Assistance Team 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 Witness Assistance Team and the Legal Education and Policy Team. In addition to the oversight of these workgroups, the Deputy Director manages 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, appeals and the new adjudications team. 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.

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. The solicitor teams comprise the Vulnerable Witness Team, Circuit Team and five 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 legal support teams including law clerks, secretaries and administrative staff. 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 agency

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 2020-21 Annual Report.

The agency's performance

Performance at a glance

This section provides an overview of ODPP file activity, charge determinations, ICAC matter status, section 12AB and Aboriginal sentencing and community court hearings, conviction rates, prosecution brief outcomes and stages of resolution, trial outcomes, appeal outcomes and adjudication outcomes.

1. File Activity

Table 1.1. Summary of file activity for the month¹

	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-20	2768	450	437	18	2799
Aug-20	2799	442	415	10	2836
Sep-20	2836	443	415	-15	2849
Oct-20	2849	446	355	2	2938
Nov-20	2938	467	445	2	2958
Dec-20	2958	472	443	13	3000
Jan-21	3000	418	364	15	3069
Feb-21	3069	377	395	-6	3045
Mar-21	3045	449	467	-5	3022
Apr-21	3022	409	466	3	2968
May-21	2968	466	445	5	2994
Jun-21	2994	530	436	7	3095
2020-21 Total		5369	5083	49	

- 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 WAT files (refer to Table 1.3 for WAT file activity).
- 'Other' includes matters being joined (-) or severed (+), erroneously opened (+ or -), closed files being re-opened (+).

Table 1.2. Summary of files received during the month¹

	Adj	Pros	Appeal	Conf	MI	HSO	Other ²	Total
Jul-20	216	127	4	22	1	0	80	450
	48%	28%	1%	5%	0%	0%	18%	100%
Aug-20	198	136	4	28	1	0	75	442
	45%	31%	1%	6%	0%	0%	17%	100%
Sep-20	214	121	15	20	3	0	70	443
	48%	27%	3%	5%	1%	0%	16%	100%
Oct-20	195	165	10	20	0	0	56	446
	44%	37%	2%	4%	0%	0%	13%	100%
Nov-20	211	155	20	23	2	0	56	467
	45%	33%	4%	5%	0%	0%	12%	100%
Dec-20	214	154	15	17	2	0	70	472
	45%	33%	3%	4%	0%	0%	15%	100%
Jan-21	244	114	8	10	1	0	41	418
	58%	27%	2%	2%	0%	0%	10%	100%
Feb-21	193	119	8	19	0	0	38	377
	51%	32%	2%	5%	0%	0%	10%	100%
Mar-21	225	155	12	14	0	0	43	449
	50%	35%	3%	3%	0%	0%	10%	100%
Apr-21	172	172	11	15	1	0	38	409
	42%	42%	3%	4%	0%	0%	9%	100%
May-21	231	158	8	16	2	0	51	466
	50%	34%	2%	3%	0%	0%	11%	100%
Jun-21	222	202	11	27	2	1	65	530
	42%	38%	2%	5%	0%	0%	12%	100%
2020-21 Total	2535	1778	126	231	15	1	683	5369
	47.22%	33.12%	2.35%	4.30%	0.28%	0.02%	12.72%	100%

- Files counted may have one or more accused. Adj = Adjudications, Pros = Prosecution, Conf = Confiscations, MI = Mental Impairment Matters, HSO = Habitual Sexual Offender Matters.
- '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 Team (WAT) file activity for the month¹

	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-20	647	52	41	1	659
Aug-20	659	41	21	-1	678
Sep-20	678	33	35	-2	674
Oct-20	674	46	37	-2	681
Nov-20	681	35	38	4	682
Dec-20	682	55	28	2	711
Jan-21	711	26	30	0	707
Feb-21	707	69	14	-2	760
Mar-21	760	52	31	-3	778
Apr-21	778	68	20	0	826
May-21	826	49	44	1	832
Jun-21	832	45	42	0	835
2020-21 Total		571	381	-2	

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

Table 1.4. Status of Mental Impairment matters open at the end of the month (running total)¹

	Released on licence	Detained pending determination of review	Detained	Declared liable to supervision (limiting term not yet fixed)	Total
Jul-20	-	-	-	-	-
	-	-	-	-	-
Aug-20	-	-	-	-	-
	-	-	-	-	-
Sep-20	-	-	-	-	-
	-	-	-	-	-
Oct-20	-	-	-	-	-
	-	-	-	-	-
Nov-20	98	2	22	6	128

	77%	2%	17%	5%	100%
Dec-20	97	1	23	7	128
	76%	1%	18%	5%	100%
Jan-21	95	1	23	7	126
	75%	1%	18%	6%	100%
Feb-21	95	1	23	7	126
	75%	1%	18%	6%	100%
Mar-21²	94	1	25	5	125
	75%	1%	20%	4%	100%
Apr-21	97	1	26	2	126
	77%	1%	21%	2%	100%
May-21	99	1	25	3	128
	77%	1%	20%	2%	100%
Jun-21	99	1	25	5	130
	76%	1%	19%	4%	100%

1. The capture of this data commenced in November 2020.
2. Between February and March 2021, the count of 'released on licence' decreased by 1 due to the expiration of a limiting term.

Table 1.5. Mental Impairment Applications made during the month

	Application to vary/review Supervision Orders	Application to revoke Supervision Orders	Total
Jul-20	0	0	0
Aug-20	3	0	3
Sep-20	1	2	3
Oct-20	2	0	2
Nov-20	3	0	3
Dec-20	2	1	3
Jan-21	2	0	2
Feb-21	2	1	3
Mar-21	1	1	2
Apr-21	2	0	2
May-21	1	1	2
Jun-21	7	0	7
2020-21 Total	26	6	32
	81%	19%	100%

Table 1.6. Mental Impairment prosecution brief activity¹

	Pending matters (s269 reports ordered)	Finding of Mental Incompetence	Unfit to Plead	Total
Jul-20	-	-	-	-
	-	-	-	-
Aug-20	-	-	-	-
	-	-	-	-
Sep-20	-	-	-	-
	-	-	-	-
Oct-20	-	-	-	-
	-	-	-	-
Nov-20	3	2	1	6
	2%	2%	1%	100%
Dec-20	3	0	1	4
	75%	0%	25%	100%
Jan-21	3	1	0	4
	75%	25%	0%	100%
Feb-21	4	0	0	4
	100%	0%	0%	100%
Mar-21	5	1	0	6
	83%	17%	0%	100%
Apr-21	3	2	0	5
	60%	40%	0%	100%
May-21	4	1	0	5
	80%	20%	0%	100%
Jun-21	5	1	1	7
	71%	14%	14%	100%
2020-21 Total	30	8	3	41
	73.17%	19.51%	7.32%	100%

1. The capture of this data commenced in November 2020.

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

2. Charge Determinations

Table 2.1. Preliminary briefs received for charge determination during the month¹

	Preliminary Briefs Received ²	Number of Accused
Jul-20	121	144
Aug-20	123	153
Sep-20	113	137
Oct-20	148	178
Nov-20	141	171
Dec-20	156	194
Jan-21	112	147
Feb-21	113	138
Mar-21	151	180
Apr-21	156	178
May-21	150	179
Jun-21	144	179
2020-21	1628	1978

- Files received may have multiple accused.
- 22 preliminary briefs were returned for a second assessment during 2020-21.

Table 2.2. Charge determination outcomes made during the month¹

	No charge determination	Charge determination made (minor/summary)	Charge determination made (major)	Charge determination not required	Total
Jul-20	8	0	129	1	138
	6%	0%	93%	1%	100%
Aug-20	14	4	113	2	133
	11%	3%	85%	2%	100%
Sep-20	9	4	125	2	140
	6%	3%	89%	1%	100%
Oct-20	13	3	125	2	143
	9%	2%	87%	1%	100%
Nov-20	13	8	170	1	192
	7%	4%	89%	1%	100%
Dec-20	18	5	103	3	129
	14%	4%	80%	2%	100%

Jan-21	18	9	164	2	193
	9%	5%	85%	1%	100%
Feb-21	18	6	138	1	163
	11%	4%	85%	1%	100%
Mar-21	21	4	144	1	170
	12%	2%	85%	1%	100%
Apr-21	11	6	157	4	178
	6%	3%	88%	2%	100%
May-21	20	21	135	6	182
	11%	12%	74%	3%	100%
Jun-21	24	9	121	0	154
	16%	6%	79%	0%	100%
2020-21	187	79	1624	25	1915
	9.77%	4.13%	84.80%	1.31%	100%

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

Table 2.3. Number of adjudications received¹

	Adjudications received	Number of accused
Jun-20	-	-
Jul-20	-	-
Aug-20	-	-
Sep-20	-	-
Oct-20	-	-
Nov-20	-	-
Dec-20	-	-
Jan-21	-	-
Feb-21	-	-
Mar-21	225	253
Apr-21	172	189
May-21	231	257
Jun-21	222	280
2020-21 Total	850	979

1. The capture of this data commenced in March 2021.

Table 2.4. Adjudication outcomes

	Number	%
Charge Major Indictable	2473	82.60%
Charge Minor Indictable/Summary	398	13.29%
Do Not Lay Charges	65	2.17%
Other	58	1.94%
2020-21 Total	2994	100%

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

3. ICAC matters*Table 3.1. Status of ICAC matters at the end of the month (running total)*

	Opinions open	Pre committal stage	Post committal (Pre-trial) stage	Trial stage	Summary matters	Appeal	Other	Finalised in month
Jul-20	1	5	0	2	2	0	0	0
Aug-20	1	4	0	2	2	0	1	0
Sep-20	0	3	0	2	2	1	1	2
Oct-20	0	3	0	2	2	1	1	0
Nov-20	0	3	0	2	2	1	1	1
Dec-20	1	3	0	2	2	2	1	0
Jan-21	1	3	0	2	2	2	1	1
Feb-21	1	3	0	2	3	2	0	1
Mar-21	0	2	1	2	3	2	0	1
Apr-21	0	2	1	2	4	1	0	2
May-21	1	1	2	2	4	1	0	0
Jun-21	1	0	2	2	4	1	0	1

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

4. Section 12AB and Aboriginal sentencing and community court hearings

Table 4.1. Record of S12AB and Aboriginal Sentencing/Community Court Hearings

	S12AB Special Hearing	Aboriginal Sentencing/Community Court hearings
Jul-20	1	4
Aug-20	0	3
Sep-20	0	1
Oct-20	1	3
Nov-20	4	6
Dec-20	2	3
Jan-21	2	5
Feb-21	0	12
Mar-21	0	8
Apr-21	2	6
May-21	8	9
Jun-21	5	8
2020-21 Total	25	68

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

5. 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 5.1. Summary of overall conviction rates

	Overall conviction rate
Jul-20	86.32%
Aug-20	85.14%
Sep-20	78.31%
Oct-20	84.04%
Nov-20	81.03%
Dec-20	78.67%
Jan-21	74.00%
Feb-21	80.21%
Mar-21	82.09%
Apr-21	77.38%
May-21	75.00%
Jun-21	75.00%
2020-21 Average	79.77%

Table 5.2. Breakdown of conviction rates according to the proportion of convictions by verdicts or pleas

	Convictions by verdict	Convictions by plea
Jul-20	8.50%	91.50%
Aug-20	9.40%	90.60%
Sep-20	10.80%	89.23%
Oct-20	18.51%	81.48%
Nov-20	21.27%	78.72%
Dec-20	6.77%	93.22%
Jan-21	5.40%	94.59%
Feb-21	7.69%	92.31%
Mar-21	22.80%	77.19%
Apr-21	8.69%	91.30%
May-21	23.18%	76.81%
Jun-21	11.11%	88.88%
2020-21 Average	12.84%	87.15%

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

6. 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 6.1. Stage of resolution for prosecution files finalised during the month¹

	Pre-committal	Pre-trial	Trial²	Total³
Jul-20	96	16	31	143
	67%	11%	22%	100%
Aug-20	74	11	20	105
	70%	10%	19%	100%
Sep-20	87	17	20	124
	70%	14%	16%	100%
Oct-20	91	15	30	136
	67%	11%	22%	100%
Nov-20	54	6	30	90
	60%	7%	33%	100%
Dec-20	64	18	19	101
	63%	18%	19%	100%
Jan-21	46	11	8	65
	71%	17%	12%	100%
Feb-21	76	27	29	132
	58%	20%	22%	100%
Mar-21	76	11	28	115
	66%	10%	24%	100%
Apr-21	87	21	22	130
	67%	16%	17%	100%
May-21	82	23	37	142
	58%	18%	24%	100%
Jun-21	82	31	42	155
	53%	20%	27%	100%
2020-21 Total	915	207	316	1438
	63.63%	14.39%	21.97%	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 the other sections which are based on trials listed for hearing in the month, unless stated otherwise.
3. The total number of prosecution files in this table will not equal the total number of files closed in the month (section 1). This is because Table 6.1 relates to **only** prosecution files (counted by accused) whereas section 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 6.2.

Table 6.2. 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-20	54	13	22	0	7	96
	56%	14%	23%	0%	7%	100%
Aug-20	48	7	11	0	4	70
	69%	10%	16%	0%	6%	100%
Sep-20	52	19	12	1	3	87
	60%	22%	14%	1%	3%	100%
Oct-20	57	18	13	1	2	91
	63%	20%	14%	1%	2%	100%
Nov-20	22	15	16	0	1	54
	41%	28%	30%	0%	2%	100%
Dec-20	43	17	3	0	1	64
	67%	27%	5%	0%	2%	100%
Jan-21	33	8	4	0	1	46
	72%	17%	9%	0%	2%	100%
Feb-21	45	17	12	1	1	76
	59%	22%	16%	1%	1%	100%
Mar-21	40	17	15	1	3	76
	53%	22%	20%	1%	4%	100%
Apr-21	55	11	16	1	4	87
	63%	13%	18%	1%	5%	100%
May-21	42	19	17	0	4	82
	53%	23%	19%	0%	5%	100%

Jun-21	39	15	24	0	4	82
	48%	18%	29%	0%	5%	100%
2020-21 Total	530	176	165	5	35	911
	58.18%	19.32%	18.11%	0.55%	3.84%	100%

Table 6.3. Outcomes of prosecution files resolved during the post-committal pre-trial stage

	Guilty plea (all/some/lesser)	Nolle Prosequi	White Paper	Other¹	Total
Jul-20	11	0	4	1	16
	69%	0%	25%	6%	100%
Aug-20	7	2	2	0	11
	64%	18%	18%	0%	100%
Sep-20	6	4	4	3	17
	35%	24%	24%	18%	100%
Oct-20	8	0	7	0	15
	53%	0%	47%	0%	100%
Nov-20	2	2	1	1	6
	33%	33%	17%	17%	100%
Dec-20	12	3	3	0	18
	67%	17%	17%	0%	100%
Jan-21	7	2	1	1	11
	64%	18%	9%	9%	100%
Feb-21	17	5	5	0	27
	63%	19%	19%	0%	100%
Mar-21	6	1	4	0	11
	55%	9%	36%	0%	100%
Apr-21	8	5	7	1	21
	38%	24%	33%	5%	100%
May-21	9	5	8	1	23
	38%	25%	33%	4%	100%
Jun-21	20	6	5	0	31
	65%	19%	16%	0%	100%
2020-21 Total	113	35	51	8	207
	54.59%	16.91%	24.64%	3.86%	100%

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

Table 6.4. Outcomes of prosecution files resolved during the trial stage¹

	Guilty plea (all/some/ lesser)	Not guilty verdict	Guilty verdict (all/some/ lesser)	Nolle Prosequi	Other ²	Total
Jul-20	16	6	7	2	0	31
	57%	21%	25%	7%	0%	100%
Aug-20	7	6	6	1	0	20
	47%	40%	40%	7%	0%	100%
Sep-20	6	5	7	2	0	20
	30%	25%	35%	10%	0%	100%
Oct-20	9	5	15	1	0	30
	30%	17%	50%	3%	0%	100%
Nov-20	14	3	10	2	1	30
	47%	10%	33%	7%	3%	100%
Dec-20	5	6	4	3	1	19
	26%	32%	21%	16%	5%	100%
Jan-21	1	4	2	1	0	8
	13%	50%	25%	13%	0%	100%
Feb-21	14	8	6	1	0	29
	48%	28%	21%	3%	0%	100%
Mar-21	9	5	12	2	0	28
	32%	18%	43%	7%	0%	100%
Apr-21	11	2	7	2	0	22
	50%	9%	32%	9%	0%	100%
May-21	11	6	16	4	0	37
	30%	16%	43%	11%	0%	100%
Jun-21	20	8	9	4	1	42
	48%	19%	21%	10%	2%	100%
2020-21 Total	123	64	101	25	3	316
	38.92%	20.25%	31.96%	7.91%	0.95%	100%

1. The trial stage commences 1 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 section 5.
2. 'Other' includes matters where the accused is mentally unfit to stand trial or found to be mentally incompetent.

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

7. Trial outcomes

The following tables relate to 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 7.1. 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-20	14	26	9	2	51
	27%	51%	18%	4%	100%
Aug-20	12	18	18	7	55
	22%	33%	33%	13%	100%
Sep-20	5	14	40	9	68
	7%	21%	59%	13%	100%
Oct-20	7	23	14	5	49
	14%	47%	29%	10%	100%
Nov-20	5	24	25	7	61
	8%	39%	41%	11%	100%
Dec-20	1	13	5	0	19
	5%	68%	26%	0%	100%
Jan-21	1	8	6	0	15
	7%	53%	40%	0%	100%
Feb-21	8	25	29	4	66
	12%	38%	44%	6%	100%
Mar-21	6	28	21	2	57
	11%	49%	37%	4%	100%
Apr-21	2	18	15	7	42
	5%	43%	36%	17%	100%
May-21	15	32	20	6	73
	21%	44%	27%	8%	100%
Jun-21	7	38	28	6	79
	9%	48%	35%	8%	100%
2020-21 Total	83	267	230	55	635
	13.07%	42.05%	36.22%	8.66%	100%

1. Trials have been counted by accused. Matters with multiple accused: 3 in August 2020, 7 in September 2020, 3 in October 2020, 3 in November 2020, 0 in December 2020 and January 2021, 8 in February 2021, 4 in March 2021, 2 in April 2021, 8 in May 2021 12 in June 2021.
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 7.2. Breakdown of outcomes from the trials that resolved in the current month

	Guilty Verdict	Not Guilty Verdict	Nolle Prosequi	Guilty Pleas ¹	Other ²	Total
Jul-20	7	7	1	11	0	26
	27%	27%	4%	42%	0%	100%
Aug-20	6	7	1	4	0	18
	33%	39%	6%	22%	0%	100%
Sep-20	5	2	2	5	0	14
	36%	14%	14%	36%	0%	100%
Oct-20	12	3	0	8	0	23
	52%	13%	0%	35%	0%	100%
Nov-20	8	4	1	10	1	24
	33%	17%	4%	42%	4%	100%
Dec-20	3	4	3	3	0	13
	23%	31%	23%	23%	0%	100%
Jan-21	2	5	0	1	0	8
	25%	63%	0%	13%	0%	100%
Feb-21	6	8	0	11	0	25
	24%	32%	0%	44%	0%	100%
Mar-21	14	4	1	9	0	28
	50%	14%	4%	32%	0%	100%
Apr-21	5	3	2	8	0	18
	28%	17%	11%	44%	0%	100%
May-21	11	7	4	10	0	32
	34%	22%	13%	31%	0%	100%
Jun-21	9	7	3	18	1	38
	24%	18%	8%	47%	3%	100%
2020-21 Total	88	61	18	98	2	267
	32.96%	22.85%	6.74%	36.70%	0.75%	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 7.3. Breakdown of the reasons why trials listed for hearing were not resolved in the same month

	Vacated¹	Judgement/ Decision Reserved	Mistrial	Hung Jury	Other	Total
Jul-20	4	5	0	0	0	9
	44%	56%	0%	0%	0%	100%
Aug-20	12	3	1	1	1	18
	67%	17%	6%	6%	6%	100%
Sep-20	33	4	2	0	1	40
	83%	10%	5%	0%	3%	100%
Oct-20	6	3	0	3	2	14
	43%	21%	0%	21%	14%	100%
Nov-20	22	1	1	0	0	24
	92%	4%	4%	0%	0%	100%
Dec-20	4	0	0	0	1	5
	80%	0%	0%	0%	20%	100%
Jan-21	2	2	1	0	1	6
	33%	33%	17%	0%	17%	100%
Feb-21	19	7	1	0	2	29
	66%	24%	3%	0%	7%	100%
Mar-21	11	6	0	1	3	21
	52%	29%	0%	5%	14%	100%
Apr-21	5	4	1	1	4	15
	33%	27%	7%	7%	27%	100%
May-21	11	2	3	0	4	20
	55%	10%	15%	0%	20%	100%
Jun-21	19	4	3	0	2	28
	68%	14%	11%	0%	7%	100%
2020-21 Total	148	41	13	6	21	229
	64.63%	17.90%	5.68%	2.62%	9.17%	100%

1. Reasons are summarised in Table 7.4.
2. Other included trials that were part heard and adjourned to subsequent months or circuit matters that were adjourned to Adelaide.

Table 7.4. Breakdown of reasons for trials vacated in the month

	Defence Application	DPP Application	Joint Application	No judge/ No Court available	Other	Bench Warrant ¹	Total
Jul-20	2	0	0	1	0	1	4
	50%	0%	0%	25%	0%	25%	100%
Aug-20	6	0	0	5	0	1	12
	50%	0%	0%	42%	0%	8%	100%
Sep-20	4	1	1	26	0	1	33
	12%	3%	3%	79%	0%	3%	100%
Oct-20	3	3	0	0	0	0	6
	50%	50%	0%	0%	0%	0%	100%
Nov-20	3	1	0	3	0	15	22
	14%	5%	0%	14%	0%	68%	100%
Dec-20	3	0	1	0	0	0	4
	75%	0%	25%	0%	0%	0%	100%
Jan-21	2	0	0	0	0	0	2
	100%	0%	0%	0%	0%	0%	100%
Feb-21	4	4	2	9	0	0	19
	21%	21%	11%	47%	0%	0%	100%
Mar-21	5	1	1	1	0	0	8
	63%	13%	13%	13%	0%	0%	100%
Apr-21	4	1	0	0	0	0	5
	80%	20%	0%	0%	0%	0%	100%
May-21	8	0	1	2	0	0	11
	73%	0%	9%	18%	0%	0%	100%
Jun-21	9	3	0	3	2	0	17
	53%	18%	0%	18%	12%	0%	100%
2020-21 Total	53	14	6	50	2	18	143
	37.06%	9.79%	4.20%	34.97%	1.40%	12.59%	100%

1. A 'Bench Warrant' is issued when an accused does not appear for trial.

Table 7.5. Trials vacated due to COVID-19

Month listed	Number of vacated trials (counted by accused)	Number of vacated trials (counted by matter)
Jul-20	21	17
Aug-20	2	2
Sep-20	4	3
Oct-20	0	0
Nov-20	15	14
Dec-20	0	0
Jan-21	0	0
Feb-21	0	0
Mar-21	0	0
Apr-21	0	0
May-21	0	0
Jun-21	1	1
2020-21 Total	43	37

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

8. Appeal outcomes

Table 8.1. Outcomes of Appeal Applications by DPP

	Against Sentence	Against Acquittal	Other Grounds
Allowed	10	0	0
Dismissed	5	0	1
Other Outcome	0	0	0
Withdrawn/Abandoned	1	0	0
2020-21 Total	16	0	1

Table 8.2. Outcomes of Appeal Applications by Defence

	Against Sentence	Against Conviction	Other Grounds
Conviction Quashed	0	8	0
Sentence Reduced	14	0	0
Appeal Dismissed	24	20	0
Other Outcome	0	2	0
2020-21 Total	38	30	0

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

Agency contribution to whole of Government objectives

Key objective	Agency's contribution
Lower Costs	<ul style="list-style-type: none"> Using data science to understand and improve business processes.
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. Providing an effective, efficient and impartial prosecution service.

Agency specific objectives and performance

ODPP objectives	Indicators	Performance
Canine Court Companion Project (CCCP)	Implementation of Stage 2 and 3 of the CCCP which aim to provide support to vulnerable victims and witnesses in major indictable matters in a court environment.	<p>Following the successful completion of Stage 1 in the CCCP in which Zero, the court canine companion attended 136 appointments with vulnerable witnesses within the ODPP environment, the ODPP commenced planning for the implementation of Stages 2 and 3 which would result in the extension of Zero's environment to the courts.</p> <p>The COVID-19 pandemic, with the requirement for social distancing, resulted in some delays in this planning process, particularly in relation to training both Zero</p>

		<p>and Zero's handlers within the new court environment.</p> <p>In terms of criminal procedure, amendments to the <i>Evidence Act 1929</i> were proclaimed in March 2021 (the Evidence (Vulnerable Witnesses) Amendment Act (Commencement) Proclamation 2021) which allow for an application to be made for a Court Canine Companion to accompany a vulnerable witness giving evidence.</p>
Business models	The development of business models utilising ODPP data and data science to better understand, predict, measure and optimise ODPP resource management and work effort.	<p>In July 2020 the ODPP developed a Case Complexity Model (CCM), in conjunction with Capgemini. The CCM is an objective efficiency tool to manage solicitor workloads, allocate resources and assist in the professional development of legal staff.</p> <p>In the last quarter of 2020-21, the ODPP and Capgemini completed two further data science projects:</p> <ul style="list-style-type: none"> • <u>Solicitor Effort Model (proof of concept)</u>: a proof of concept for a measure of workload providing a visual and objective measure of work effort for solicitors. • <u>Data Analytics Strategic Plan</u>: the development of a cohesive and comprehensive strategy for the development of ODPP business models using data science, that enhance efficiencies in processes, resourcing and decision making.

Internal Reviews	As part of best practice, conduct regular reviews of business processes to ensure currency and efficiency.	<p>During 2020-21, the ODPP finalised reviews of key functions including:</p> <ul style="list-style-type: none"> • <u>Brief Assessment Team:</u> In February 2021, the ODPP completed an internal review which sought to ensure that the new business processes were efficient and effective. The recommendations were considered and implemented in April 2021. • <u>Vulnerable Witness Team Review:</u> In November 2020, the ODPP completed an internal review which examined each of the relevant recommendations of the Criminal Justice Report and analysed the ODPP's implementation of those recommendations to date. Recommendations for further actions were identified where applicable. The internal review focussed on the procedures and efficacy of the specialist Vulnerable Witness Team. The recommendations from the internal review will be implemented in 2021-22.
External Reviews	The review of ODPP functions by experienced external parties to provide fresh perspectives on policy, process and efficacy.	During 2020-21, an external review of the Witness Assistance Team was undertaken by AGD Justice Policy and Analytics.

		<p>Recommendations from the Review have been considered and prioritised. Projects have commenced for the following:</p> <ul style="list-style-type: none"> • Changing the Witness Assistance Service name to Witness Assistance Team. This was completed in March 2021. • The review of the WAT Manager role which was completed in May 2021. • The development of an identified Aboriginal Witness Assistance Officer role. This project has commenced and is expected to be completed in early 2021-22. <p>The remaining recommendations will continue to be implemented throughout 2021-22 when the WAT Manager is appointed.</p>
Commercial Crime and Confiscations	To provide effective and efficient services in relation to the prosecution of criminal matters that require specialised knowledge and experience in financial crime and the confiscation of assets.	In May 2021, the ODPP established a dedicated Commercial Crime and Confiscations team to deal with matters relating to corruption, financial crime, cybercrime and the confiscation of assets.
Staff development opportunities (SAPOL, ICAC and CDPP)	To ensure that ODPP staff are provided with opportunities to develop their legal knowledge and skills as part of their professional development.	In 2020-21, the ODPP partnered with SA Police (SAPOL), the Independent Commissioner Against Corruption (ICAC) and the Commonwealth Director of Public Prosecutions (CDPP) to develop training and development opportunities for ODPP legal staff.

		Formal agreements with SAPOL and ICAC have been made and agreements with CDPP will be re-visited in late-2021 subject to COVID-19 conditions.
COVID-19 response	Continued management of the ODPP workforce during the COVID-19 environment to ensure efficiencies of resourcing and wellbeing of staff.	The program first implemented in March 2020 to facilitate the maximum availability for work from home opportunities for legal staff continued into 2020-21 as a result of COVID-19 lockdowns across the State.

General compliance

Reporting on the following aspects of the ODPP is contained within the Attorney-General's Department 2020-21 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	2020-21
Briefs Received	231
Briefs Finalised	166
Deposited to Victims of Crime Fund	\$3,289,726.96
Deposited to Justice Rehabilitation Fund	\$535,873.60

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	2020-21
Number of Matters	28
Total Cost	\$132,073

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
<i>Director of Public Prosecutions Act 1991</i>	<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 2020-21 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 2020-21 financial year.

Act or Regulation	Requirement
<p><i>Criminal Assets Confiscations Act 2005</i></p>	<p><u>Section 229A(1)</u></p> <p>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></p> <p>A report under this section must include the following information for the financial year to which the report relates:</p> <ul style="list-style-type: none"> a) the number of persons who became prescribed drug offenders during that period; 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; 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.

Section 229A (2) (a)

In 2020-21, there were 79 persons who became prescribed drug offenders.

Section 229A (2) (b)

In 2020-21, there were 97 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 2020-21, the following property was (deemed) forfeited:

- Real Property: 18 interests in real properties
- Vehicles: 19 vehicles
- Cash: \$1,208,483.96
- Shares: Details pending
- Other items of value: \$20,000 approximately

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.

Appendix: Audited financial statements 2020-21

Refer to Attorney-General's Department 2020-21 Annual Report.