

All criminal charges are initially heard in the Magistrates' Court where the Magistrate decides if a case should be heard before a Judge and jury in a higher court. Cases in the Magistrates' Court are generally managed by the Police; however the ODPP assumes the responsibility for cases in the Perth Magistrates' Court once the Magistrate has decided there is enough evidence for the case to proceed to the Supreme or District Courts.

All criminal cases in the Supreme and District Courts are managed by the ODPP. Each case is assigned to a Prosecutor and a Paralegal. The Prosecutor reviews the case and prepares an indictment that lists the formal charges against an accused person. The indictment is then lodged with the court. The Paralegal helps the Prosecutor prepare the case and contacts witnesses and victims to confirm contact details and keep them informed about the progress of the case.

In some instances the Prosecutor managing the case may decide, after reviewing the case thoroughly, that there is not enough evidence to proceed against the accused. The Prosecutor will discuss the situation with the victim(s) of the crime as soon as possible.

If the case is not to proceed, the ODPP will present a Notice of Discontinuance to the Court and the accused. This is the end of the matter. Cases will only be discontinued if there is insufficient evidence or if a prosecution is not in the public interest.

In the majority of instances, however, the case will proceed to an initial hearing where the accused will enter a plea of guilty or not guilty. If the accused pleads guilty he or she will be sentenced either on the day or at a later date.

If the accused pleads not guilty he or she will be remanded to a future appearance and the Court will arrange a trial date. The trial will be heard in the court before a Judge and jury and involves both the State (ODPP) and the Defence (accused) presenting evidence and calling witnesses to provide testimony.

When all the evidence has been heard and summarised, the jury will retire to consider the case before returning to deliver its verdict. If the accused is found guilty he or she will be sentenced either on the day or at a date to be determined by the Judge.

Sentencing occurs when an accused pleads guilty or is convicted at trial. A sentence is decided by the Judge who hears the case and will take into account a number of factors, including:

- The facts of the offence, including the severity and nature of the crime;
- Injury, loss or damage suffered by the victim;
- The personal circumstances of the accused such as age, criminal history, work history, family circumstances;
- Any efforts by the accused to make good any loss suffered by the victim; and,
- The law.

victims & witnesses at trial

Victims and witnesses are a crucial part of the State prosecution process because they provide valuable testimonial evidence in a case against an accused. If you are a victim or witness of a crime you are likely to be asked to give evidence at trial. The ODPP will help to ensure that you are prepared for this by providing you with information and assistance.

For further information regarding your role as a witness or victim in the prosecution process, please refer to our 'Information for Victims' or 'Information for Witnesses' brochures.

the appeal

In some cases an appeal may arise from the result of the prosecution process. An appeal is a special application made to the Court of Appeal by either the State or the accused. The accused may appeal the conviction resulting from a trial or the severity of the sentence handed down. In special circumstances the ODPP may appeal the sentence resulting from a trial if the sentence appears insufficient.

The ODPP manages all state criminal appeals from trials on indictable offences and Single Judge Appeals from an appeal against a summary offence (Magistrates' Court), sentence or conviction.

more on the prosecution process

How long does the prosecution process take?

The time it takes from first appearance to a case being concluded varies. When an accused pleads guilty the case might be over in six to eight weeks. If an accused pleads not guilty the case may take up to a year to finish. If you are the victim or witness you will be informed of its progress by a Paralegal from this Office. If you would like to know how a case is progressing you can call the Paralegal assigned to the case. Contact details will be included in all letters sent to you.

Do I have to go to court?

In a small proportion of cases an accused pleads not guilty and the case goes to trial, which is where victims and witnesses are required to give evidence in court. You will be sent a summons which will give you details about where and when the trial will be held. Further information on attending court is available in our 'Information for Victims' and 'Information for Witnesses' brochures.

Where can I find out information about the progress of a case?

If you would like information about the progress of a case which the ODPP is prosecuting you may speak to the Paralegal or Prosecutor assigned to the case. Further information is available in our 'Information for Victims' and 'Information for Witnesses' brochures. If you do not know the name of the Prosecutor or Paralegal handling the case, call the main reception number or write to us at the email address below.



OFFICE OF THE DIRECTOR
OF PUBLIC PROSECUTIONS
FOR WESTERN AUSTRALIA

about the DPP

who we are

The Office of the Director of Public Prosecutions for Western Australia (ODPP) is an independent public sector agency. The ODPP was established after the Director of Public Prosecutions Act 1991 was proclaimed. This Act provides for the appointment of a Director of Public Prosecutions who is independent of the Government in terms of legal-decision making powers. The Director is the ODPP's Chief Executive Officer.

our mission

Our mission is to provide the citizens of Western Australia with an independent and effective criminal prosecution service, which is both fair and just.

our vision

We are committed to providing the highest quality prosecution service for the people of Western Australia.

To provide this service we apply the following core values:

- Justice
- Independence
- Excellence
- Integrity
- Respect
- Leadership
- Accountability



OFFICE OF THE DIRECTOR
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what we do

The ODPP is responsible for conducting prosecutions on behalf of the State and people of Western Australia.

To achieve this we:

- Initiate and conduct criminal prosecutions in the Supreme and District Courts
- Conduct the appeals that may arise from those prosecutions;
- Manage a range of matters relevant to the Criminal Property Confiscation Act and the Misuse of Drugs Act, also known as Confiscations matters;
- Conduct committal proceedings before Magistrates in the Perth Magistrates' Court. Committals in other locations in the Magistrates' Court are handled by the WA Police Prosecutions;
- Prosecute matters in the Children's Court;
- Provide advice to the WA Police Service and other agencies on criminal law;
- Advise the Attorney General and the Government about legislation impacting on the criminal justice system; and
- Consider national and international extradition requests from WA Police.

our clients

The ODPP deals with a range of clients including:

- Victims of Crime
- Secondary Victims of Homicide
- Witnesses
- Courts and the Judiciary
- Police
- The Accused and Defence Lawyers
- The Media

our commitment to our clients

The ODPP is committed to providing our clients with the highest possible standard of service.

our assurance

Victims of Crime and Secondary Victims of Homicide – We will recognise your special needs, ensure that you are well informed about the prosecution process and make sure help is available to you throughout the process.

Witnesses – We will ensure that you are well informed about the prosecution process and try to reduce the inconvenience to you when you are required to attend court.

The Courts and Judiciary – We will strive to present prosecutions in an efficient and timely manner and work cooperatively in developing initiatives to improve the criminal justice process.

Police – We will work with the Police to assist with the efficient collection, processing and presentation of evidence to the courts.

Accused and Defence Lawyers – We will be fair in all our dealings with you and help where possible to ensure a just and timely outcome.

The Media – We will keep you informed about our role and help you in the accurate reporting of the progress of criminal prosecutions.

our standards

The ODPP will ensure that the needs of our clients are met.

Our clients are vital to the prosecution process and will always be treated with respect and courtesy to ensure minimal distress throughout the prosecution process.

We will always try to provide our clients with accurate information and respond to all correspondence and inquiries in a professional and timely manner.

We will manage sensitive and personal information with the utmost respect and consideration for the people and agencies involved.

the prosecution process

The ODPP is the primary prosecuting agency for indictable criminal offences heard in the Supreme and District Courts of Western Australia. We do not investigate crime; this function is performed by investigating agencies such as the WA Police and the Corruption and Crime Commission.