

## **Summary of the impact of Covid-19 on the Criminal Justice System in Ireland**

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The first case of Covid-19 was recorded in Ireland in February 2020. Thereafter case numbers increased rapidly to such an extent that the country went into what was called Level 5 lockdown on the 6<sup>th</sup> April 2020.

Certain services were deemed to be essential and could therefore continue while adhering to public health guidelines. The administration of justice was designated an essential service which included all actors in the criminal justice system in the jurisdiction.

The Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 came into effect on the 17<sup>th</sup> of March. It proposed measures in two broad policy areas; 1. Public Health, 2. Social Welfare.

The public health restrictions and guidelines affected the operation of the criminal justice system. As of the 6<sup>th</sup> of April there were no more new jury trials. Those that had already started were continued. A second court room was utilised to comply with social distancing. The Office of the Director of Public Prosecutions continued to run a capital murder case throughout April, May and June utilising two court rooms, taking evidence from witnesses abroad by way of video link. Otherwise there were no criminal trials until June.

Remote hearings i.e. using a virtual platform was put in place to deal with appeals to the Court of Appeal and the Supreme Court. These ran extremely well. The time normally taken for these appeals was reduced through a more focused approach requiring a statement of facts and issues for the court to consider in advance of the hearings. These remote hearings have continued to date and have been extended to the High Court.

Bail applications in the District Court and the High Court continued via video link to the prisons.

Urgent cases including prosecutions for domestic violence and custody cases continued in the District Court.

Sentencing hearings continued with the use of screens, masks and video link where possible.

Most strands of the criminal justice system operated quiet well. However, we are still left with a very large backlog of trials in the Central Criminal Court which deals with murder and rape offences and also the Circuit Court which deals with all other types of indictable crime. While jury trials were back up and running in June, July 2020, September and October 2020 they stopped again with a further Level 5 lockdown in

January which was only lifted in April 2021. Trials commenced again on the 6<sup>th</sup> April this year. To reduce the spread of the virus and comply with public health guidelines different settings, other than court houses are being used to empanel juries such as hotels, leisure centres and theatres. We have also established two courts in Croke Park, our national Gaelic Athletic games venue. We are currently running a trial for sexual offences against seven accused with four complainants in that venue.

Ordinarily 300 potential jurors would attend each Monday morning for jury service. Again, due to public health guidelines we have had to reduce the number and currently empanel jurors from a panel of 50 in the morning and 50 in the afternoon.

Two additional judges will be appointed to the Central Criminal Court in September bringing the total number to 8.

The President of the Circuit Court has sought the appointment of additional judges for the Circuit Court in September. However, there is no doubt that one of the lasting legacies of the pandemic is significant backlog in jury trials. Hundreds of trials were adjourned because of the pandemic. We now have trial dates in both the Central and Circuit Criminal Court going out to 2023. Priority has been given to custody cases and those involving juveniles.