

Report by the Inspector of Prisons
Judge Michael Reilly
of his Investigation into the Handling of
Issues relating to Warrants in a Criminal Matter
in the case of Celyn Eadon

Office of the Inspector of Prisons

**Report by the Inspector of Prisons Judge Michael Reilly of his
investigation into the handling of issues relating to warrants in a
criminal matter in the case of Celyn Eadon**

Presented to the Minister for Justice and Equality pursuant to Part 5 of the
Prisons Act 2007

Judge Michael Reilly
Inspector of Prisons
4th July 2014

© Inspector of Prisons 2014

Contents

<u>Chapter 1</u>	Page
Introduction	4
<u>Chapter 2</u>	
Methodology	6
<u>Chapter 3</u>	
The Courts Service	7
<u>Chapter 4</u>	
An Garda Síochána	9
<u>Chapter 5</u>	
Findings and Recommendations	11
<u>Appendix 1</u>	
Copy Protocol for preparation, checking and issuing of Warrants in Provincial District Courts	

Chapter 1

Introduction

1.1 I was asked by the Minister for Justice and Equality (hereinafter referred to as the ‘Minister’) to undertake an investigation into an issue that had arisen which was of serious and urgent concern.

1.2 On 24th March 2011 the Minister briefed me in the following terms:-

“On the 4th February last Celyn Eadon appeared in Harristown District Court on foot of a Bench Warrant for failing to appear at Castlebar District Court on 19th January 2011 on foot of road traffic summonses. He was remanded in custody to Castlebar District Court on the 16th February 2011 with consent to bail on conditions which included, inter alia, securing an independent surety of €600 with cash lodgement of €200 by the surety. At Castlebar District Court on the 16th February 2011 Mr. Eadon was further remanded in custody on these summonses with consent to bail on the same conditions to Achill District Court on the 10th March 2011. He was also remanded on bail on a separate charge sheet on his own bond of €50 to the same court. He signed a bail bond in respect of this charge sheet. It appears he then left the court. Mr. Eadon subsequently appeared at Swinford District Court on the 11th March 2011, charged with the murder of Noreen Kelly Eadon”.

1.3 I agreed to carry out the investigation. On 28th March 2011 the Minister signed my Warrant of Appointment.

1.4 The terms of reference set out in the said Warrant of Appointment are:

(a) *To establish whether the warrants recording the courts orders in respect of Celyn Eadon on 16th February 2011 were issued by Castlebar District Court Office and received by An Garda Síochána;*

- (b) *to investigate the manner of and procedures applicable to the recording and communication of the remanding of Celyn Eadon on the 16th February 2011;*
- (c) *to make enquiries with any relevant persons and authorities including An Garda Síochána, the Court Service and the Irish Prison Service;*
- (d) *in the light of the outcome of (a), (b) and (c) to make any recommendations that may be deemed appropriate;*

and to submit a report to me as a matter of urgency.

- 1.5 Shortly after I commenced my investigation it became clear that two bodies within the Criminal Justice family, namely, the Courts Service and An Garda Síochána were the only bodies that had a part to play in the events the subject matter of this investigation.
- 1.6 In Chapter 2, I set out the methodology used by me in compiling this Report.
- 1.7 In Chapter 3, I set out in chronological order the actions taken by the Courts Service.
- 1.8 In Chapter 4, I refer to matters relating to An Garda Síochána.
- 1.9 In Chapter 5, I set out my findings and recommendations.

Chapter 2

Methodology

- 2.1 This investigation is not a Court of Law or a trial of any alleged wrongdoing by any particular person or group of persons. Rather, it is an exercise designed to establish the facts and the lessons to be learned.
- 2.2 I conducted this investigation in accordance with the requirements of constitutional and natural justice.
- 2.3 I inspected all relevant records held on file or electronically in Castlebar District Court Office.
- 2.4 I received a detailed report from the Chief District Court Clerk in Castlebar. This report was generated as a result of queries raised by me.
- 2.5 I was briefed at relevant times by senior management of An Garda Síochána relating to Garda issues which I deal with in Chapter 4.
- 2.6 During the course of my investigation I received total co-operation from all members of the Courts Service personnel in Castlebar and elsewhere. I also received total co-operation from senior Garda management in connection with this investigation. I would like to express my appreciation to the many people who, in one way or another, provided me with all the information that I sought.

Chapter 3

The Courts Service

3.1 The following are undisputed facts:-

- (a) Celyn Eadon with an address at Derrycrieve, Islandeady, Castlebar, Co. Mayo was before the District Court in District Number 3 on numerous dates prior to 16th February 2011 on a number of Road Traffic offences.
- (b) The Road Traffic offences were brought by way of summonses and in all there were seven sets of Road Traffic summonses relating to different dates and different offences.
- (c) The PULSE number recorded on all of the summonses was 2102122.
- (d) The summonses were adjourned from time to time and ultimately to Castlebar District Court on 19th January 2011.
- (e) Celyn Eadon failed to appear at Castlebar District Court on 19th January 2011. Bench Warrants for his arrest were issued at Castlebar District Court on 19th January 2011.
- (f) The Bench Warrants were executed and Celyn Eadon was brought to Castlebar District Court on 2nd February 2011 where he was remanded in custody to Harristown District Court on 4th February 2011. He was not granted bail.
- (g) At Harristown District Court on 4th February 2011 Celyn Eadon was remanded in Custody to Castlebar District Court on 16th February 2011 with consent to bail in the following terms:
 - Own bond €300, one third cash.
 - Independent surety €600, one third cash.
 - Surety to be approved by court.
 - Curfew 9pm to 9am.
 - Sign on at Castlebar Garda Station Monday, Wednesday and Friday between 8am and 8pm.
 - Reside with mother.
 - Stay off drink and/or drugs.

- (h) Celyn Eadon was remanded in custody to Castlerea Prison as he was unable to take up the bail.
- (i) Celyn Eadon was brought, in custody, to Castlebar District Court on 16th February 2011.
- (j) At Castlebar District Court on 16th February 2011 Celyn Eadon was further charged on Charge Sheet No 11298126 with theft. On this charge he was remanded on his own bail of €50 to appear at Achill District Court on 10th March 2011. He signed the bail form.
- (k) Celyn Eadon was remanded in custody on the seven sets of summonses (referred to above) to Achill District Court on 10th March 2011 the Judges order being: *“RIC with consent to bail as set - Achill 10/3/11 for hearing or plea of guilty”*.
- (l) Celyn Eadon walked out of the District Court in Castlebar on 16th February 2011 despite the Order referred to at (k) above remanding him in custody.
- (m) At the conclusion of the Court in Castlebar on 16th February 2011 the Registrar of the District Court prepared remand warrants in accordance with the order of the District Court Judge as referred to at (k) above.
- (n) In view of the statement from the Garda Commissioner referred to in paragraph 4.2 the warrants generated by the Registrar of Castlebar District Court on 16th February 2011 were received by An Garda Síochána.

Chapter 4

An Garda Síochána

- 4.1 I have already stated at paragraph 1.5 that An Garda Síochána had a part to play in the events the subject matter of this investigation.
- 4.2 The Commissioner of An Garda Síochána on behalf of An Garda Síochána accepted that the warrants referred to at paragraph 3.1(m) were issued by Castlebar District Court Office and received by An Garda Síochána. This statement was made by the Garda Commissioner prior to me commencing my investigation. This immediate concession greatly eased my task.
- 4.3 Prior to 28th March 2011 (the date of my appointment) the Commissioner of An Garda Síochána appointed a Chief Superintendent to conduct a disciplinary investigation into the circumstances surrounding this matter as they pertained to members of An Garda Síochána.
- 4.4 Proceedings were initiated by the Commissioner of An Garda Síochána under the Garda Disciplinary Regulations against a number of named Gardaí. These proceedings took their course which resulted in a decision. I was advised as soon as the internal Garda investigation had concluded.
- 4.5 I had to consider my position as to whether I could investigate matters pertaining to members of An Garda Síochána. In this context I should point out that my investigation is a non-statutory investigation.
- 4.6 I am satisfied that as my investigation is a non-statutory investigation I would not have the power to make findings in relation to matters upon which a decision had already been taken in the Garda disciplinary proceedings.
- 4.7 Therefore, I do not propose to investigate the conduct of the Garda members in question.

4.8 I am satisfied that it would be open to me to examine, in a general context, the relevant applicable procedures operated by An Garda Síochána and make recommendations to ensure that they are adequate and followed in each case.

4.9 I have carefully considered the option open to me referred to in paragraph 4.8 and have concluded that such an examination would be extensive and perhaps not necessary. It is my view that should such an examination be required it should, more properly, be carried out internally by An Garda Síochána or by a relevant body having statutory oversight of An Garda Síochána.

Chapter 5

Findings and Recommendations

- 5.1 For the legal reasons set out in paragraph 4.6, I cannot make any findings, except that as set out in paragraph 5.2, in relation to the role of An Garda Síochána generally or Gardaí individually in relation to the recording and communication of the remanding of Celyn Eadon on 16th February 2011.
- 5.2 For the reason set out at paragraph 4.2, I can confirm that the warrants recording the court's orders in respect of Celyn Eadon on 16th February 2011 were issued by Castlebar District Court Office and received by An Garda Síochána. This conclusively deals with Term (a) of my Terms of Reference.
- 5.3 I examined all records relevant to the processing of the sets of summonses referred to at paragraphs 3.1(b) to 3.1(k) and 3.1(m) in District Court Areas 3 and 4. I am satisfied that in all cases appropriate records of Court decisions were generated.
- 5.4 I am satisfied that, subject to paragraph 5.5, records were maintained in Castlebar District Court which showed the issuing of all warrants.
- 5.5 Up to 16th February 2011 Castlebar District Court did not maintain a Register for Warrants nor did it have a system whereby Prisons or An Garda Síochána acknowledged in writing receipt of such warrants.
- 5.6 I was satisfied that despite the failure referred to in paragraph 5.5 this did not have any bearing on the instant case because of the acknowledgment of the Commissioner of An Garda Síochána referred to in paragraph 4.2
- 5.7 Despite my findings as set out in paragraph 5.6, I decided I should examine in general terms the procedure for the recording, issuing and communication of warrants generally in the District Court.

- 5.8 Many different types of warrants are in use in the District Court. The most frequently issued warrants are Remand, Committal and Bench Warrants.
- 5.9 As soon as the instant case came to light the Courts Service conducted an in depth analysis of the systems in operation in Provincial District Courts in relation to the issue of warrants generally. I was aware through contact with the Courts Service that such an analysis was taking place. The Courts Service identified certain areas in the system that could be improved. They devised a protocol for the preparation, checking and issuing of warrants in Provincial District Courts.
- 5.10 I have carefully scrutinised the protocol referred to in paragraph 5.9 and I am satisfied that the protocols now in operation reflect best practice for the preparation, checking and issuing of warrants in Provincial District Courts in Ireland. The Courts Service is to be complimented for its proactive and sensible approach in this matter.
- 5.11 I am satisfied that the Courts Service in formulating the protocol has addressed all the issues that I decided should be examined as referred to in paragraph 5.7. For this reason it is not necessary for me to make further findings or recommendations.
- 5.12 I have been informed that this protocol has been issued to all Chief Clerks of District Court Offices. It is the responsibility of all Chief Clerks to ensure that a printed copy in addition to an electronic version of the protocol is provided to all staff regardless of grade. It is also the responsibility of the Chief Clerk to ensure that such protocol, in printed and electronic form, is made available to all new staff assigned to the particular office regardless of whether or not the newly assigned staff previously served in a District Court Office.
- 5.13 The Chief Clerk of each District Court Office is obliged under the protocol to retain a master version of the protocol in the office which must be available for audit at all times.

- 5.14 Each individual member of staff assigned to District Court Offices must acknowledge in writing that they have received and read the protocol. It must be the responsibility of the Chief Clerk in all cases to ensure that each member of staff signs such an acknowledgment. All such acknowledgments must be attached to the master copy of the protocol and retained as set out in paragraph 5.13.
- 5.15 A copy of the protocol referred to in paragraph 5.9 is exhibited at **Appendix 1**. This protocol came into effect on 31st March 2011.

Appendix 1

Protocol for preparation, checking and issuing of warrants in Provincial District Courts

A INTRODUCTION

Warrants are among the most important documents that are issued by the District Court as they impact directly on the liberty of the person named on the warrant. It is absolutely vital, therefore, that the procedures followed for the preparation, checking and issuing of warrants are beyond reproach in the context that they must stand up to any scrutiny and audit.

In addition, it must also be recognised that deficiencies in the warrant issue process can have the most serious implications for individual members of the public and seriously undermine the mandate of the criminal justice system to protect the community against crime.

The most frequently issued types of warrant in the District Court are remand, committal and bench warrants.

Remand Warrants

A Remand Warrant is issued when an accused is remanded in custody to a future court date for the hearing of the case or the imposition of a sentence.

A Remand Warrant must be issued for each defendant who is being remanded in custody, even if the defendant is already in custody serving a sentence on other charges.

Where an accused has been remanded in custody (with or without consent to bail) a remand warrant must be prepared and issued in respect of all charges before the court.

If an accused is remanded in custody with consent to bail, it is absolutely vital that the details of the bail and any conditions attached must be included on the warrant.

Committal Warrants

A Committal Warrant is the order of the court committing a person to prison where he/she has been sentenced to a term of imprisonment by the Judge. The person may be sentenced while present in Court or in his/her absence.

It is critically important that an individual committal warrant is issued in respect of all sentences of imprisonment imposed.

Bench Warrants

A bench warrant is an order of the court for the immediate arrest of a person. The most common occurrence of a bench warrant is in relation to the failure of a person who is on bail to appear in court on the appointed day.

Body Warrant

A Body Warrant is an order of the Court to the Governor of a prison to produce a defendant, who is currently in custody, before the Court on a specific date to face charges. Such warrants when signed should be sent directly to the Prison Governor.

Forthwith Fine

This is an Order for the immediate payment of a fine in Court with a number of days imprisonment in lieu of the fine. If the fine is not paid immediately, a warrant of imprisonment must issue in Court.

NB In so far as possible in the District Court, it is highly desirable that no warrant should be prepared and checked by the same individual.

B. PREPARATION, CHECKING AND ISSUE OF WARRANTS WHERE THERE IS DIRECT ACCESS TO CCTS.

A simple step-by-step guide to the procedures to be followed for the issuing of warrants generated on CCTS is set out on Page 8. The key matters to be borne in mind when working on such warrants are:

1 Warrant Register.

- a. The Court Registrar sitting in Court must maintain a Register of Warrants ordered to be issued by the Court. A template register is at Appendix “A” in the procedures section. When the Judge makes his/her order remanding an accused in custody, imposing a custodial sentence or issuing of a bench warrant, the Registrar must make, a careful note of the order in the Warrant Register. The purpose of the Register is to maintain a record of custodial orders (whether remand or committal) and bench warrant orders made by the Judge against which physical warrants prepared can be checked off later.
- b. The registrar in court must satisfy him/herself that he/she fully understands the order made by the Court. If there is any doubt, the order should be clarified by the registrar immediately with the presiding Judge.
- c.. During the course of proceedings throughout the day it is possible that some orders requiring the issue of a warrant may effectively be “setaside” as the accused may enter a bail bond in accordance with bail set by the court or indeed the accused may actually turn up following the issue of a bench warrant which is then cancelled by the Judge. The Registrar should carefully note the cancellation on the Warrant Register.

2. Preparation of Warrant(s).

- a. Remand, committal and bench warrants should be printed down from CCTS where possible. The warrant templates provided with CCTS have been designed to ensure that the appropriate jurisdiction citations are printed on warrants which minimises the potential for errors on warrants.
- b. Court Registrars should consult with the Chief Clerk and/or colleagues in the office in advance of the commencement of the court sitting to ascertain if sufficient resources are available in the office to enter the appropriate results on CCTS, verify same and print and subsequently check the warrants. Where such is possible this option must be adopted for the preparation of all warrants.
- c. Where it is possible to print the warrants from CCTS, office staff should intermittently during the course of the day visit the courtroom and collect any Charge Sheets/summonses from the Court Registrar where warrants have been ordered by the Judge.
- d. The warrant(s) required should be prepared in accordance with the procedures outlined in the Procedures Section.
- e. When the warrant(s) have been issued, a note should be made on the Charge Sheet/Summons Minute Book that the warrant(s) have been issued and the note should be dated and initialled. This is a requirement under the District Court Rules, Order 25 Rule 10.

C. PREPARATION, CHECKING AND ISSUE OF WARRANTS WHEN CCTS IS NOT AVAILABLE.

It is recognised that when the court is sitting at an outlying court venue there is no possibility of preparing the warrant(s) required from CCTS. In such circumstances there is no option but for the Court Registrar to prepare the warrant(s) manually and the Registrar should proceed to do so.

Where CCTS is available but, following consultation with the Chief Clerk and/or colleagues in the office in accordance with b above, it is decided that on the particular day the appropriate resources are not available within the office to prepare the warrants from CCTS, the Registrar in Court may proceed to prepare the required warrants manually. The Registrar should record on the Register the reasons for non preparation of the warrants from CCTS.

A simple step-by-step guide to the procedures to be followed for the issuing of manual warrants is set out on Page 8. The key matters to be borne in mind when working on such warrants are:

1. Warrant Register.

A Warrant Register must be maintained by the Court Registrar sitting in Court as outlined at B1 above

2. Preparation of warrants

Where warrants are prepared in accordance with the procedures as set out in the Procedures Section, before issue to the Gardai/Prison Service, these warrants should be photocopied and placed with the initiating documents (Charge Sheet or Summons) where photocopying facilities are available. In this regard

- i. Courts Service photocopying facilities are available at some outlying court venues
- ii. Where Courts Service photocopying facilities are not available, it may be possible to make arrangements with other occupants of the building
- iii. Where neither i or ii above are relevant, the Registrar should avail of any photocopying facilities at the local Garda Station
- iv. Where none of the above are available, this Section may be dispensed with.

All warrants prepared manually should have the PULSE Number and the CCTS Case Number clearly indicated thereon.

D ISSUE OF WARRANTS TO AN GARDA SÍOCHANA/PRISON SERVICE

Warrants must always be issued to the Prison/Garda Síochána on the day of the Court in accordance with the procedures set out at Page 8 - 9

When warrants are ready for handover/posting to the Prison Service/Garda Síochána the warrants should be checked by the Court Registrar and marked off against the Warrant Register retained by the Court Registrar. At the end of the day the Court Registrar should specifically check the Warrant Register to ensure that a warrant has been prepared and issued to the Prison Service/Garda Síochána in respect of every Order made by the Court for the issue of a warrant. If any warrant is not issued in Court, in relation to a non custodial matter e.g. bench warrant, it should be issued in accordance with the procedures set out at Page 9 in the Procedures Section.

A Warrant file for each court venue must be opened and retained in the office. The Warrant Register together with all receipts for warrants issued should be retained within the file for each court venue for each hearing date. The Warrant Register together with the receipts must be retained within the office for a period of two years and at any time must be available for audit.

Warrants of Execution in relation to sentences imposed in the absence of the defendant should except in very exceptional circumstances also be issued to An Garda Síochána on the date the sentence is imposed.

In relation to Bench Warrants, it is again highly desirable that they should be issued to An Garda Síochána on the date on which the bench warrant was ordered by the Judge. Where this is not possible for whatever reason, offices should ensure that such warrants are issued to An Garda Síochána by close of business on the next working day in accordance with the procedures set out in the Procedures Section.

Warrants signed and issued after court

1. Where warrants are being sent directly to the Prison or to the Garda Station by post, they must be sent by **registered post**. Such warrants must be accompanied by a covering letter, a copy of which must be retained in the office on the Warrant file for the court venue. A suggested template for this letter is attached at Appendix “B”. An acknowledgement (Appendix C) must be included with the warrant(s) which can be returned by the Prison/Gardai to the relevant District Court Office. **The Chief Clerk must ensure that procedures are in place within each District Court Office to ensure that acknowledgements for warrants issued are received and where not received that immediate action is taken to ascertain the position.**
2. In some provincial locations where any warrants are being issued to the Gardai, it may be easier and simpler to deliver them by hand to the local Garda station or they may be collected by the Gardai. Where this is done, a receipt for the warrants should be obtained from the Garda Station or the collecting Garda. This can be achieved by requesting the member of the Gardai concerned to sign the Warrant Register at the appropriate entry for the warrants in question..
3. **Special Care and Attention must be applied to instances where a “DEFERRED SENTENCE” is imposed.** If a “deferred sentence” is imposed i.e. a sentence which will commence on a later date, the following processes must be followed:
 - Where the sentence is to commence at a later date, the warrant should be issued immediately to the Prison/Gardai and the appropriate receipting process implemented. **In such instances, it should be clearly indicated and highlighted on the warrant that the sentence is not to commence until a particular date.**
 - Where the sentence is to commence at a later date but the Judge has ordered that the warrant should not be issued until a specific date, considerable care and attention must be exercised by offices to ensure that the relevant warrants are issued on the date as directed by the Judge. Where the defendant is in custody in prison, the warrant should be issued to the prison on the specified day **by registered post**. Where the defendant is on bail and the committal warrant is being issued to the Gardai for execution, the District Court office should contact the relevant Garda Superintendent indicating that the warrant will be ready for collection on the designated date. The Gardai may then collect the warrant or alternatively, at the discretion of the Superintendent, the warrant may be issued to the Superintendent by registered post on the designated issue date.

- Regardless of which of the above processes is applicable, where a deferred sentence is imposed, the relevant prison must be informed on the court date or as soon as possible thereafter, either by email or fax, that a deferred sentence has been imposed and details provided. The prison should also be notified that the appropriate warrant, if the defendant is in custody, will be issued in due course, if it cannot be issued immediately.
- Receipts for any warrants issued must be obtained from the Prison Service or the Gardai as appropriate.

Regardless of which of the processes described at 1, 2 and 3 above are applied, where warrants are being sent by registered post to a prison, an email should also be sent to the Prison Service email address notifying them that the warrants have been sent.

E: HIGH RISK AREAS WHICH REQUIRE SPECIAL CARE AND ATTENTION.

Offices and Registrars generally should apply special care and attention to the following situations.

1. An accused is remanded in custody and on bail on separate offences at the same Court sitting

Where an accused appears before the Court in custody on a number offences (whether on summons or charges sheet) and the Judge remands him/her in custody or indeed imposes a sentence on some offences and grants bail on other offences, special care should be taken to ensure that an appropriate warrant is prepared and issued in respect of the custodial offences especially where the accused actually enters a bail bond in respect of the offences where the Judge granted bail. If the Registrar is in any doubt in relation to the Judges order, clarification should be sought from the Judge.

It is fully recognised and accepted that in such situations it is entirely a matter for the Prison Service/Garda Síochána to ensure that the accused is retained in custody until the warrants are available. If the Court Registrar notes any problem or error with a warrant during the course of the Court, they should immediately bring it to the attention of the Prosecutor.

2. Deferred Sentences

Deferred Sentences have already been referenced at C3 above. Again special care is merited in such situations to ensure that the appropriate warrants are issued in accordance with the Order of the Court.

3. Warrants for an accused who is already serving a sentence

Where an accused appears before the Court in custody while serving a sentence which may or may not have been imposed in another court, special care should be taken to ensure that a remand warrant is issued should he/she be remanded in custody on the charges before the Court. It is not sufficient to rely on the Prison Officer or Garda to take a note of when the accused is next due to appear before the Court. The defendant could be due for temporary release before the next scheduled hearing date. Failure to issue a warrant in such situations could result in the defendant being released.

4. Remands to a number of court venues

Where an accused is remanded to a number of different Court Venues, it is important to ensure that a warrant is prepared for each court venue which clearly states the correct venue to which he/she is remanded on the face of it.

General

Offices must ensure that where the PULSE NO is available, it should be clearly indicated on all warrants issued.

The importance is again stressed of appropriate procedures being in place in offices to ensure that receipts for all warrants issued are actually received. Where receipts are not received within a short reasonable timescale from issue of the warrant by post, the matter should be taken up immediately with the appropriate prison/Garda Superintendent.

This Protocol is being issued to all Chief Clerks of District Court offices. It is the specific responsibility of the Chief Clerk to ensure that a printed copy as well as an electronic version of this Protocol is provided to all staff within the District Court Office regardless of grade. The Chief Clerk must additionally ensure that a printed and electronic version is also made available to all new staff assigned to the office regardless of whether or not the newly assigned member of staff previously served in a District Court Office.

The Chief Clerk must retain a master version of this Protocol within the office which will be available for audit at all times. Attached thereto must be acknowledgements signed by each individual member of staff assigned to the office from time to time acknowledging that they have received and read this Protocol.

PROCEDURES SECTION

Warrant produced from CCTS

1. Judge makes order requiring the production of a warrant.
2. Registrar records details of order on Minute Book/Charge Sheet/Summons.
3. Registrar records details of order onto Warrant Register (Appendix A).
4. Registrar clarifies details of order with Judge if required.
5. Staff member collects Charge Sheet/Summons.
6. Staff member results order onto CCTS from the order written by the Judge.
7. A different staff member verifies order on CCTS.
8. That staff member prints warrant and check this against the Charge Sheet/Summons.
9. Warrant brought back to Court.
10. Registrar checks warrant for accuracy against charge sheet/Minute Book
11. Judge or District Court Clerk signs warrant.
12. Warrant given to Prosecutor/Prison Officer.
13. Prosecutor/Prison Officer acknowledges receipt of the warrant by signing Warrant Register at appropriate place.
14. Issue of warrant noted on Charge Sheet/Summons Minute Book as required under the District Court Rules.
15. Register is filed in Court office after court.

Manually produced warrants

1. Judge makes order requiring the production of a warrant.
2. Registrar records details of order on Minute Book/Charge Sheet/Summons.
3. Registrar records details of order onto Warrant Register.
4. Registrar clarifies details of order with Judge if required.
5. Warrant prepared from the order written by the Judge and checked by Court Registrar.
6. Judge or District Court Clerk signs warrant.
7. Photocopy the warrant or arrange for Gardai to photocopy same and return to Registrar.
8. Warrant given to Prosecutor/Prison Officer.
9. Prosecutor/Prison Officer acknowledges receipt of the warrant by signing Warrant Register at appropriate place.
10. Issue of warrant noted on Charge Sheet/Summons Minute Book as required under the District Court Rules.
11. Register is filed in Court office after court.
12. Copy warrant is checked on return to the office by the Chief Clerk or designated officer.
13. If an error is spotted, notify the prison and/or Gardai as appropriate.
14. Draft new warrant clearly marking it as a "Replacement Warrant".
15. Judge or District Court Clerk signs amended warrant under "Slip Rule" District Court Rules Order 12 Rule 17.
16. Issue warrant to Prison or Gardai with covering letter including acknowledgment receipt to be returned to the Court office. (Appendix B & C)

17. Place copy of original warrant and copy of replacement warrant on Warrant Register file with note of explanation.

Warrants issued on the following day

1. When warrants are checked, prepare standard letter for issue to Gardai/Prisons (Appendix B).
2. Enter details of warrants onto letter and Acknowledge Receipt..
3. Issue letter and warrants by **registered post**.
4. Record issue in appropriate place on Warrants Register.
5. Record issue of warrants on Charge Sheet/Minute Book,
6. Place copy of letter with Warrants Register,
7. Carry out regular checks to ensure acknowledgement letters are returned.
8. If letter not returned within 5 days, issue reminder or contact Gardai/Prison by telephone and note same.
9. When acknowledgment received, place on Warrants Register file with original letter and register for the appropriate date of court.

Other Issues

In the case of the Body Warrant, it is good practice to also fax this to the prison immediately after Court.

When a remand or committal warrant has been signed but bail is then entered, this should be noted on the Warrant Register.

If a Bench Warrant is cancelled before it is issued, this should be noted on the Warrant Register.

APPENDIX “A”

WARRANT REGISTER

District Court Office:

Court Venue:

Date:

Name of Defendant	Case No (Offence No)	Warrant Type (R, C, BW)	Remand Date/ Sentence	Warrant Signed Yes/no	Signature of Person Receiving Warrant

Any Comments

Signature of Registrar:

Date:

APPENDIX B

Date

The Governor

.....Prison

OR

The Superintendent

Garda Síochána

..... Garda Station

I enclose for your attention the warrants details of which are set out below. I would appreciate if you would return the attached acknowledgement duly signed without delay

Yours sincerely

District Court Clerk

[illegible]

Appendix C

**The District Court Clerk
District Court Office,
The Courthouse,
The Mall,
Castlebar,
Co. Mayo.**

Official Stamp of the Garda
Superintendents Office

[]

[]

I acknowledge receipt of **Warrants** details of which are set out below.

Signed: _____
Superintendent/Inspector

Dated: _____

[illegible]

The following items must be included in all Warrants

Court Area

District No

Name of Defendant

Address of Defendant

PULSE No

Case and Offence No

Name of Prosecutor

Charge details

Sentence

Details of sentence which is consecutive or concurrent

What sentence it is consecutive or concurrent to

Prison

Date

Signature of Judge

Who it is addressed to

Bail conditions

Always make the appropriate deletions on a warrant