Oifig an Stiúrthóra Ionchúiseamh Poiblí
Office of the Director of Public Prosecutions

Annual Report 2019

This Report is also available in the Irish Language

Office of the Director of Public Prosecutions
Infirmary Road
Dublin 7
D07 FHN8

Tel: +353 1 858 8500
Fax: +353 1 642 7406
Web: www.dppireland.ie

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FOREWORD

I am pleased to present the Annual Report for 2019.

As announced last year, in 2019 the Office gained Government support to establish a Sexual Offences Unit (SOU). As outlined in Chapter 3.2, when it is fully established, it is planned that all sexual offences prosecuted in the Central Criminal Court and almost all categories of sexual offences in the Dublin Circuit Court will be managed from beginning to end within this new unit. Despite the additional challenges to our service caused by the Covid-19 pandemic, we hope to have the first phase of the SOU in place by the end of 2020. This is a sign of our commitment to press ahead with this project. I believe it will be a very positive step forward in dealing with victims of sexual crime. I am pleased to say that Government recently confirmed that full funding would be available for 2021.

The need for a dedicated unit to deal with sexual offences is greater than ever as this year we continue to see a significant rise in sexual offence files submitted to the Office. In 2019 there was a 12% increase in the number of such files. Last year we obtained approval for an increase of 10 legal and administrative support staff. Whether this additional staff complement will be sufficient to meet the demands of the significant increase of files being submitted since then remains to be seen.

In 2019 the number of files received requiring a decision on whether to prosecute or not increased by over 8%. The number of European Arrest Warrant files and Mutual Legal Assistance request files received from the Gardaí also continued to rise last year. There has been an even more marked increase in the current year. Files submitted for directions on prosecution are currently up by 23% on 2019.

Brexit continues to pose a challenge for the international work of the Office as we approach the end of the transition period amid continuing uncertainty as to whether, come January 2021, there will be new legal arrangements with the UK to replace the existing European Arrest Warrant procedure.

While the political negotiations are ongoing in this regard, the international team in this Office continue to liaise with the Department of Justice and the Garda Síochána to plan for all eventualities.

In Chapter 3.3 we focus on the extensive external engagement and outreach undertaken by the Office on an ongoing basis. Staff of the Office participate in many international bodies, national bodies and cross agency committees. In this way the Office makes a very important contribution to groups looking at various aspects of criminal law and the criminal justice system, ensuring that the views and expertise of the Office are provided as and when required.

The list of areas where staff of the Office are active is a lengthy one. This essential and ever expanding external engagement, including delivery of training to external agencies, constitutes a very large commitment of time by staff which is not reflected in the statistics relating to files submitted to the Office.

We continue to review our structures and procedures to ensure that they comply with the Criminal Justice (Victims of Crime) Act 2017, and that we are in a position to provide victims of crime with the standards and quality of service to which they are entitled. In 2019 the Office was involved in the delivery of training to prosecution counsel and State Solicitors on issues relating to the protection of victims, including the application of special measures.

As set out in Chapter 3.2 the numbers of requests for reasons for our decisions not to prosecute, and requests for reviews of those decisions were at similar levels to 2017 and 2018. Sexual offences continue to be the category of case which is most often the subject of requests for reasons and/or review.

The Office also continued its engagement with victim representative groups last year, and participated in the group established by the Minister of Justice and Equality in 2018 to examine protections for vulnerable witnesses in the investigation and prosecution of sexual offences chaired by Tom O'Malley BL. Also in 2019, the Office co-hosted the annual Criminal Justice Agencies conference with the Association for Criminal Justice Research and Development (ACJRD) on the topic of "Sexual Offences: The Challenge of Balancing Rights in the Criminal Justice System".

Finally, I must make reference to the Covid-19 pandemic and the impact that it has had on the prosecution service this year. I am pleased to say that the Office adapted very well to the challenges posed since restrictions were introduced in March. The administration of justice was deemed an essential service and the criminal justice system continued to function. This was against a background, as I have mentioned above, of a very large increase of 23% in the number of files received this year for decision on prosecution.

We also managed to deliver on planned initiatives, including the roll out of a redeveloped Knowledge Management intranet for all internal and external legal materials. This is invaluable given the prevalence of remote working for the foreseeable future.

Although no new jury trials commenced between mid-March and July, pleas of guilty continued in all courts as did certain hearings in the District Court, and trials in the Special Criminal Court. Custody cases got priority in the early stages. The appellate courts moved a lot of their hearings online. Remote hearings, including those conducted by way of video link to the prisons to avoid the unnecessary movement of people during the pandemic, have proved very successful and are continuing. In this regard I welcome the legislative amendments that were made via the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 to maximise on these measures.

DPP staff showed exceptional commitment and flexibility in response to the challenges caused by the pandemic and in adapting to all of the changes to the way the courts are doing their business. I want to thank them, our State Solicitors and all our prosecution counsel for their hard work and for the dedication that they have shown in ensuring that the administration of justice is maintained.

Claire Loftus
Director of Public Prosecutions

October 2020

PART 1:
Overview of the Office

MISSION STATEMENT

To provide on behalf of the People of Ireland a prosecution service that is independent, fair and effective

1.1 Overview of the Office

1.1.1 The fundamental function of the Director of Public Prosecutions is the direction and supervision of public prosecutions and related criminal matters.

1.1.2 The majority of cases dealt with by the Office of the Director of Public Prosecutions are received from the Garda Síochána, the primary national investigating agency. However, some cases are also referred to the Office by specialised investigative agencies including the Revenue Commissioners, Government departments, the Health and Safety Authority, the Competition and Consumer Protection Commission, the Office of the Director of Corporate Enforcement, the Garda Síochána Ombudsman Commission, the Environmental Protection Agency and local authorities.

1.1.3 The Office of the Director of Public Prosecutions has four divisions:

i) The **Directing Division** determines, following an examination of an investigation file, whether there should be a prosecution or whether a prosecution commenced by the Garda Síochána should be maintained. The direction which issues indicates the charges, if any, to be brought before the courts. In some cases further information and investigation may be required before a decision can be made. To prosecute there must be a *prima facie* case - evidence which could, though not necessarily would, lead a court or a jury to decide, beyond reasonable doubt, that the person is guilty of the offence.

ii) The **Solicitors Division**, headed by the Chief Prosecution Solicitor, provides a solicitor service to the Director in the preparation and presentation of cases in the Dublin District and Circuit Criminal Courts, the Central Criminal Court and Special Criminal Court, the Court of Appeal and the High and Supreme Courts. Outside the Dublin area 32 local state solicitors, engaged on a contract basis, provide a solicitor service in the Circuit Court and in some District Court matters in their respective local areas.

iii) The **Prosecution Support Services Division** incorporates the Victims Liaison Unit which is responsible for ensuring that the Office meets its obligations in relation to the support and protection of victims of crime as set out under the Criminal Justice (Victims of Crime) Act 2017; the International Unit which deals with areas of international criminal law, including extradition, European Arrest Warrants and requests for mutual legal assistance; and the Prosecution Policy and Research Unit which conducts legal research, provides support for the development of legal policy, and engages with external stakeholders on policy matters. The Policy and Research Unit also co-ordinates knowledge management and includes the Library service which provides information and know-how services for both legal and administrative staff.

iv) The **Administration Division** provides the organisational, infrastructural, administrative and information services required by the Office and also provides support to the Directing, Prosecution Support Services and Solicitors Divisions.

1.2 Outline of the Criminal Prosecution Process

AN GARDA SÍOCHÁNA & SPECIALISED INVESTIGATING AGENCIES

- Conduct independent criminal investigations
- Conduct most summary prosecutions in District Court in relation to minor offences (subject to DPP's power to give directions)
- Prepare and submit files to the Solicitors Division of the DPP's Office (Dublin cases) or to the local state solicitor (cases outside Dublin) in relation to more serious offences

SOLICITORS DIVISION, OFFICE OF THE DPP
(cases to be heard in Dublin)

LOCAL STATE SOLICITOR
(cases to be heard outside Dublin)

- Conduct certain summary prosecutions in District Court and appeals to the Circuit Court
- Submit investigation files to Directing Division of the DPP's Officer for directions
- Prepare cases for Court

DIRECTING DIVISION, OFFICE OF THE DPP

- Examines files received from Solicitors Division and local state solicitors
- Directs initiation or continuance of a prosecution
- Provides ongoing instruction and legal advice to the Solicitors Division and local state solicitors until case at hearing is concluded
- Advises the Garda Síochána and specialised investigating agencies and gives directions on preferral of charges

SOLICITORS DIVISION, OFFICE OF THE DPP
(cases to be heard in Dublin)

LOCAL STATE SOLICITOR
(cases to be heard outside Dublin)

- Prosecute in accordance with directions received
- Attend and prosecute hearings in District Court
- Prepare books of evidence in indictment cases
- Brief and assist nominated barrister conducting prosecution in trial courts
- Attend trial and report outcome to Directing Division
- Liaise with agencies and parties involved in the criminal process
- Direct on and conduct Judicial Review cases
- Prosecute appeals in the Circuit Court and Court of Appeal (Criminal)

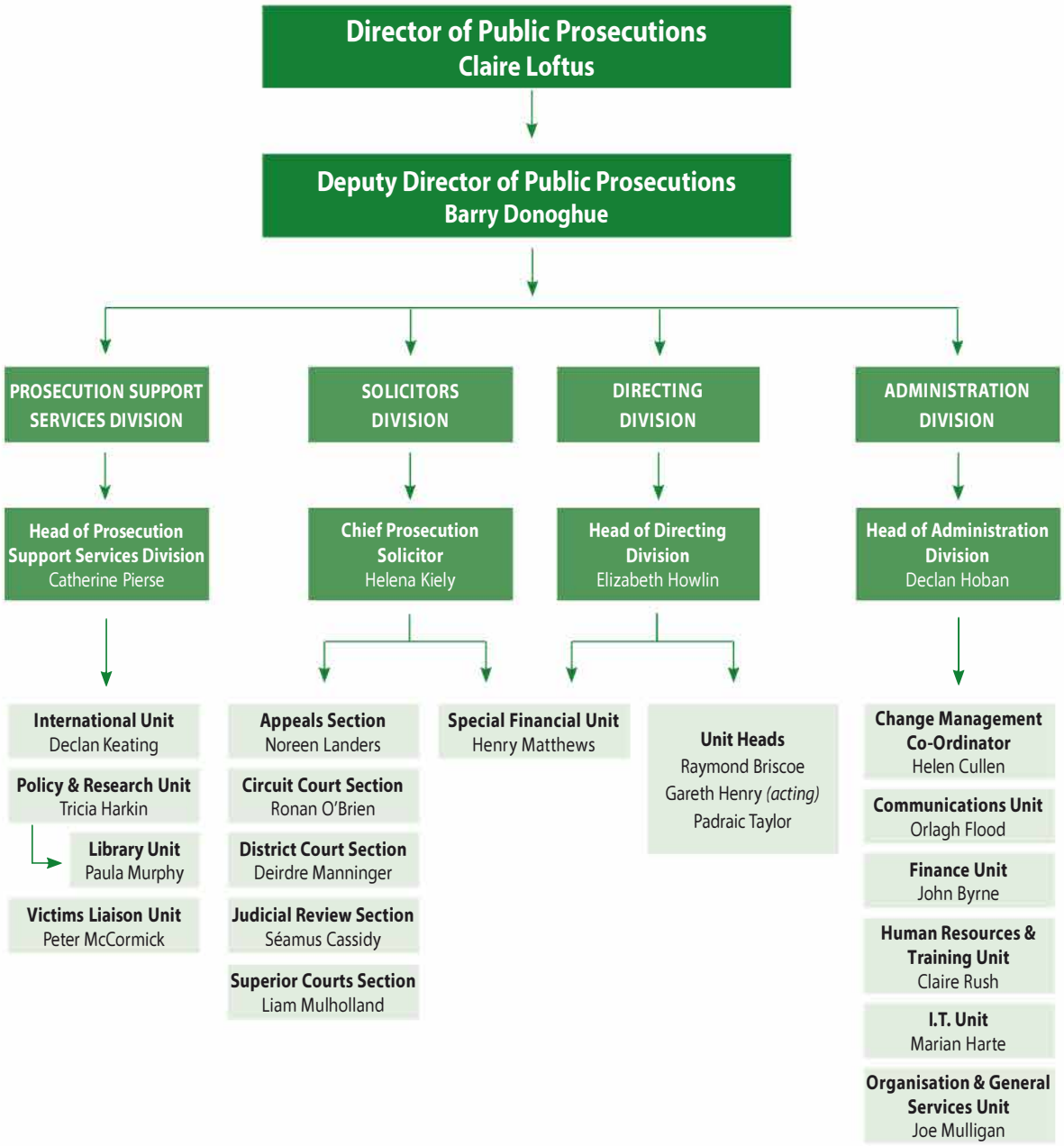
PROSECUTING COUNSEL

- Appear in Court and conduct prosecutions on indictment on behalf of and in accordance with the instructions of the DPP

COURTS

- Case at hearing (arraignment, trial)
- Case outcome (conviction/acquittal)
- Sentencing

1.3 Organisation Structure (as of April 2020)



PART 2:

Summary of Files Received and Outcomes

Explanatory note in relation to statistics

2.1 Part 2 is broken down into five distinct sections:

i) Charts 2.1.1 to 2.1.5 (Part 2.1) relate to the receipt of files in the Office and include details on the types of directions made;

ii) Charts 2.2.1 to 2.2.5 (Part 2.2) provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2016 and 2018.

iii) Charts 2.3.1 to 2.3.3 (Part 2.3) provide details of applications made to the courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, and confiscation and forfeiture of criminal assets.

iv) Charts 2.4.1 and 2.4.2 (Part 2.4) provide details of the preparation/issue of extradition requests, seeking the extradition of individuals who are not present in European Arrest Warrant member states, and and European Arrest Warrants.

v) Chart 2.5.1 (Part 2.5) provides details of requests for mutual legal assistance processed by the Office of the DPP.

2.2 All the yearly demarcations in the statistical tables refer to the year the file was received in the Office. The reason for going back so far in charts 2.2.1 to 2.2.5 is to take account of the time difference between a decision to prosecute being made and a trial verdict being recorded. If statistics were to be provided in respect of 2019 case outcomes, a large proportion of the cases would still be classified as 'for hearing' and the statistics would have little value. Cases heard within a short period of being brought are not necessarily representative.

2.3 In this report we have attempted in most instances to include updated versions of the data set out in previous Annual Reports in order to give a fuller account of the progress made since that data was previously published. Because of the continuous change in the status of cases - for example, a case which was pending at the time of a previous report may now have concluded - information given in this report will differ from that for the same cohort of cases in previous reports. In addition, data from two different years may not be strictly comparable because as time goes on more cases are completed so that information from earlier years is necessarily more complete than that from later years. Unless otherwise stated, data included in these statistics was updated in April 2020.

2.4 Caution should be exercised when comparing these statistics with statistics published by other organisations such as the Courts Service or An Garda Síochána. The statistics published here are based on our own classification and categorisation systems and may in some cases not be in line with the classification systems of other organisations.

2.1 Prosecution Files Received

Chart 2.1.1 shows the total number of prosecution files received by the Office of the Director of Public Prosecutions from 2003 to 2019.

The chart does not include work undertaken by the Office in relation to other matters not directly related to criminal prosecution files such as: requests for legal advice from the Garda Síochána, local state solicitors or other agencies; policy related matters; or queries of a general nature.

CHART 2.1.1: Total Prosecution Files Received

YEAR	FILES
2003	14696
2004	14613
2005	14427
2006	15279
2007	15446
2008	16144
2009	16074
2010	15948
2011	16127
2012	15285
2013	13761
2014	14012
2015	14306
2016	13169
2017	13667
2018	14849
2019	15590

The Solicitors Division of the Office of the Director of Public Prosecutions provides a solicitor service to the Director and acts on her behalf. The division also deals with cases which do not require to be referred to the Directing Division for direction.

Chart 2.1.2 represents the number of cases dealt with solely within the Solicitors Division and includes District Court prosecution files, appeals from the District Court to the Circuit Court and High Court bail applications. The figure for District Court Appeals represents the number of files held, not the number of individual charges appealed. One defendant may have a multiplicity of charges under appeal.

The Solicitors Division also deals with judicial review applications. While some of these applications are dealt with solely within the Solicitors Division, others require to be forwarded to the Directing Division for direction. However, because the dedicated Judicial Review Section is based in the Solicitors Division the total number of judicial review applications dealt with are included in this chart. Judicial reviews may be taken by the Director or be taken against her.

CHART 2.1.2: Files Dealt with by the Solicitors Division

	2019	%	2018	%	2017	%
District Court Prosecution Files	1279	22%	1104	19%	1000	21%
Appeals from District Court to Circuit Court	2870	50%	2947	51%	2229	47%
High Court Bail Applications	1448	25%	1559	27%	1360	28%
Judicial Review Applications	168	3%	172	3%	192	4%
TOTAL	**5765**	**100%**	**5782**	**100%**	**4781**	**100%**

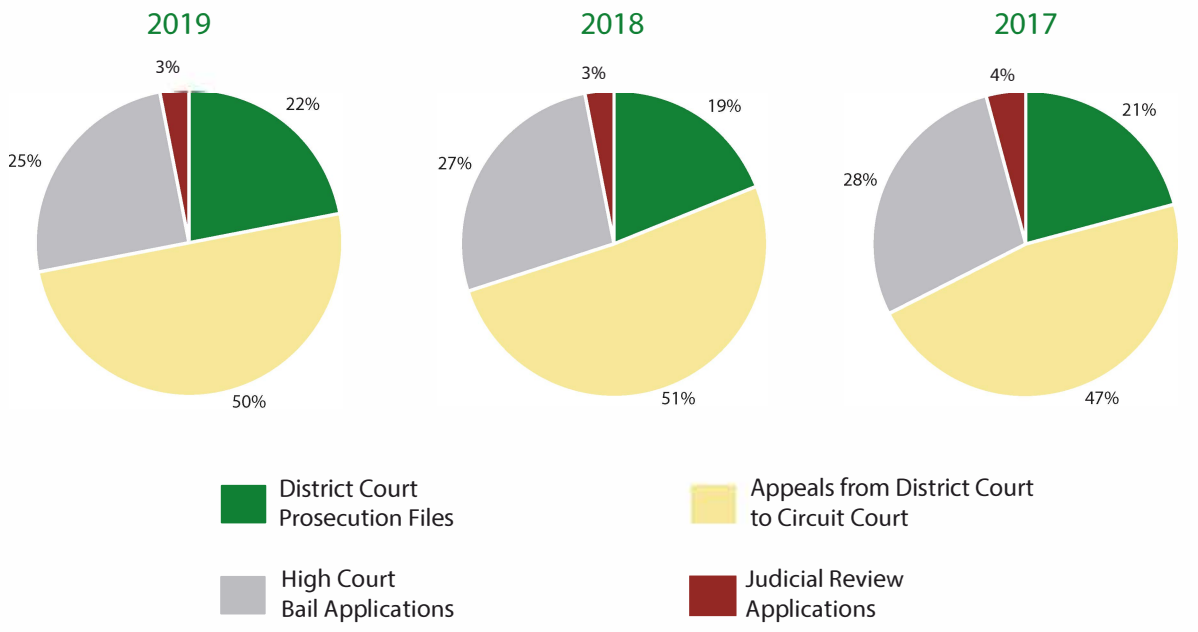
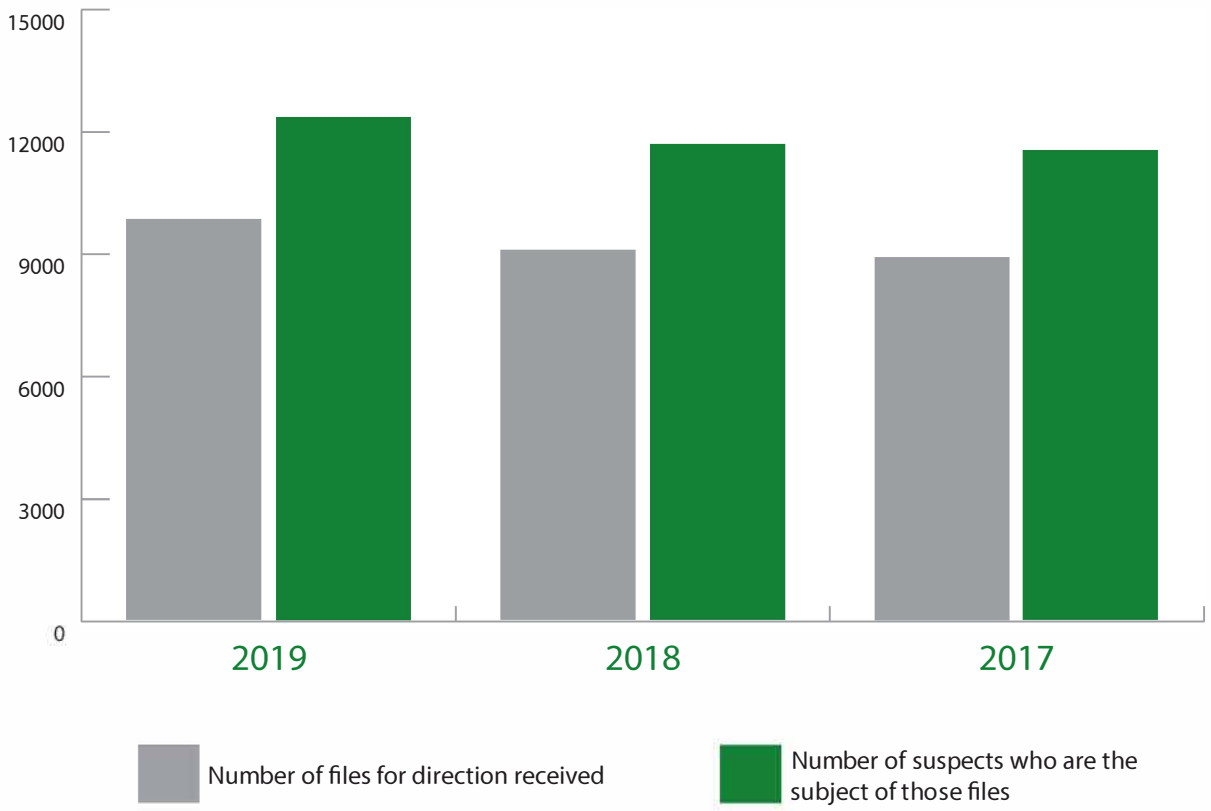


Chart 2.1.3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. This is because many files relate to more than one suspect. It is important, therefore, to look at the total number of suspects as well as the total number of files.

CHART 2.1.3: Breakdown of Files Received for Decision Whether to Prosecute

	2019	2018	2017
Files received for decision whether to prosecute	9825	9067	8886
Number of suspects who are the subject of those files	12321	11668	11518



The following chart shows a breakdown of the disposal of files received in the Directing Division in 2017, 2018 and 2019 (as of April 2020). An Garda Síochána and specialised investigating agencies submit files either directly to this office or to the local state solicitor, for a direction whether or not to prosecute. Depending on the seriousness of the offence and the evidence disclosed in the file, a decision will be taken as follows:

No Prosecution: A decision not to prosecute is made. The most common reason not to prosecute is because the evidence contained in the file is not sufficient to support a prosecution. The figures however include all decisions not to prosecute.

Prosecute on Indictment: It is decided to prosecute in the Circuit, Central or Special Criminal Courts.

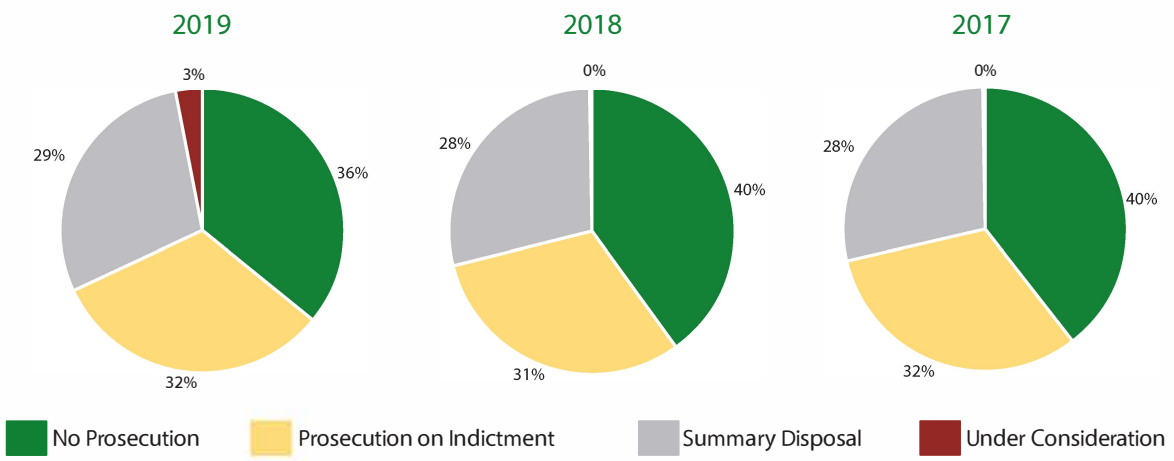
Summary Disposal: The offence is to be prosecuted in the District Court.

Under Consideration: Files in which a decision has not been made. This figure includes those files in which further information or investigation was required before a decision could be made.

NOTE: The figures for 2017 and 2018 have been updated since the publication of previous Annual Reports. The reduction in the files 'Under Consideration' figures compared with those given in previous years reflect developments on those files since then. 'Prosecutions on Indictment' include those cases in which defendants elected for trial by jury and cases where the judge of the District Court refused jurisdiction, even though the Director initially elected for summary disposal.

CHART 2.1.4: Disposal of Directing Division Files by Number of Suspects Subject of files Received

Direction Made	2019	%	2018	%	2017	%
No Prosecution Directed	4443	36%	4676	40%	4564	40%
Prosecution on Indictment Directed	3948	32%	3652	31%	3668	32%
Summary Disposal Directed	3573	29%	3308	28%	3274	28%
TOTAL OF FILES DISPOSED	**11964**	**97%**	**11636**	**100%**	**11506**	**100%**
Under Consideration	357	3%	32	0%	12	0%
TOTAL	**12321**	**100%**	**11668**	**100%**	**11518**	**100%**



A decision may be made not to prosecute in relation to a particular file for a variety of reasons other than the main reasons set out in this chart. The death or disappearance of the suspect, the death or disappearance of the complainant or the refusal of a complainant to give evidence are some examples. These are referred to as 'other' in the chart below.

CHART 2.1.4a: Breakdown of Main Reasons for a Direction Not to Prosecute

Main Reasons for No Prosecution	2019	%	2018	%	2017	%
Insufficient Evidence	3504	79%	3598	77%	3618	79%
Injured Party Withdraws Complaint	341	8%	297	6%	314	7%
Public Interest	79	2%	85	2%	83	2%
Adult Caution	69	1%	70	2%	81	2%
Juvenile Diversion Programme	42	1%	62	1%	76	2%
Time Limit Expired	33	1%	28	1%	39	1%
Undue Delay	33	1%	25	1%	49	1%
Suspect Deceased	19	0%	24	0%	31	0%
Sympathetic Grounds	2	0%	0	0%	1	0%
Other	321	7%	487	10%	272	6%
TOTAL	**4443**		**4676**		**4564**	

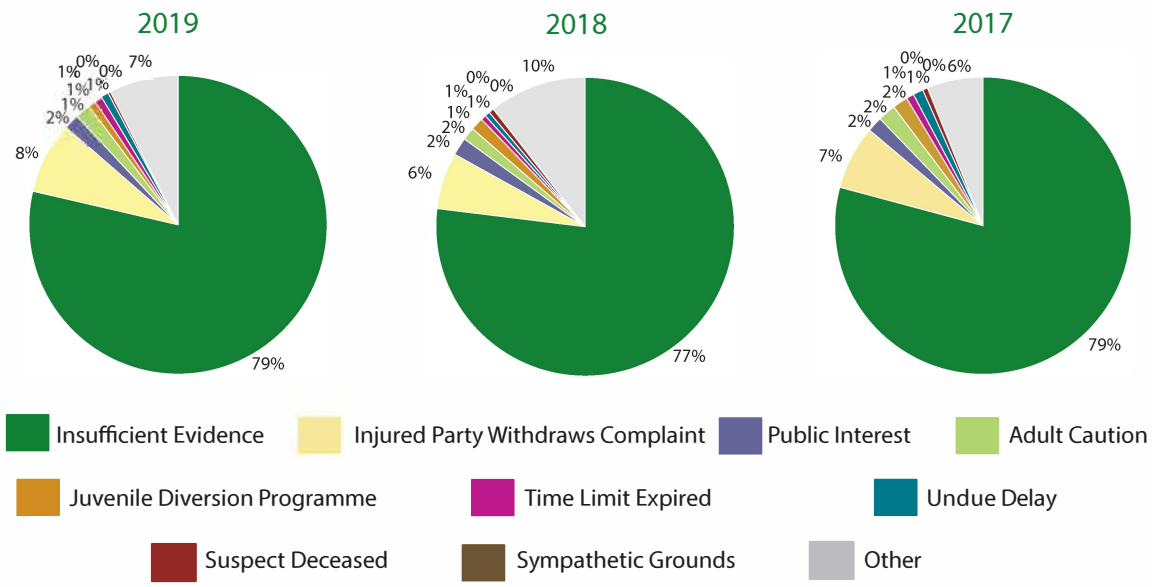


Chart 2.1.4b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'under consideration' (see Chart 2.1.4). These include cases where a file was received but further information was required. It is not possible to determine how many of these cases may eventually result in a direction to prosecute on indictment.

CHART 2.1.4b: Breakdown of Number of Prosecutions on Indictment Directed per County of Offence

						Number of Prosecutions on Indictment Directed per County					Cases per 1,000 Persons					3 Year Rolling Average		
	Population 2019*	Population 2018*	Population 2017*	Population 2016 *	Population 2015*	2019	2018	2017	2016	2015	2019	2018	2017	2016	2015	2017 2019	2016 2018	2015 2017
Carlow	58,799	58,057	57,489	56,932	55,613	37	37	50	42	30	0.63	0.64	0.87	0.74	0.54	0.71	0.75	0.72
Cavan	78,565	77,812	76,887	76,176	70,498	58	71	61	63	44	0.74	0.91	0.79	0.83	0.62	0.81	0.84	0.75
Clare	121,762	121,109	119,550	118,817	116,755	83	88	117	67	88	0.68	0.73	0.98	0.56	0.75	0.80	0.76	0.77
Cork	555,151	549,963	543,517	542,868	522,833	331	311	307	384	366	0.60	0.57	0.56	0.71	0.70	0.58	0.61	0.66
Donegal	164,185	162,610	160,677	159,192	155,225	82	66	57	74	55	0.50	0.41	0.35	0.46	0.35	0.42	0.41	0.39
Dublin	1,395,600	1,370,500	1,350,000	1,347,359	1,305,300	1516	1478	1482	1317	1445	1.09	1.08	1.10	0.98	1.11	1.09	1.05	1.06
Galway	264,090	260,673	257,484	258,058	245,106	150	147	152	128	98	0.57	0.56	0.59	0.50	0.40	0.57	0.55	0.50
Kerry	151,049	149,637	147,883	147,707	146,567	93	82	73	91	90	0.62	0.55	0.49	0.62	0.61	0.55	0.55	0.57
Kildare	233,695	230,045	226,925	222,504	218,356	174	112	88	102	89	0.74	0.49	0.39	0.46	0.41	0.54	0.44	0.42
Kilkenny	102,485	101,192	100,203	99,232	97,168	64	52	69	68	49	0.62	0.51	0.69	0.69	0.50	0.61	0.63	0.63
Laois	88,348	87,334	86,088	84,697	83,637	58	78	71	48	49	0.66	0.89	0.82	0.57	0.59	0.79	0.76	0.66
Leitrim	33,049	32,732	32,343	32,044	30,631	14	22	14	9	14	0.42	0.67	0.43	0.28	0.46	0.51	0.46	0.39
Limerick	199,730	198,659	196,102	194,899	191,088	274	191	195	188	190	1.37	0.96	0.99	0.96	0.99	1.11	0.97	0.98
Longford	42,635	42,145	41,544	40,873	40,490	57	35	37	39	26	1.34	0.83	0.89	0.95	0.64	1.02	0.89	0.83
Louth	135,366	133,251	130,087	128,884	118,388	150	125	136	104	84	1.11	0.94	1.05	0.81	0.71	1.03	0.93	0.85
Mayo	133,557	131,829	130,216	130,507	127,747	67	64	84	72	88	0.50	0.49	0.65	0.55	0.69	0.54	0.56	0.63
Meath	204,853	201,653	198,920	195,044	191,178	78	75	104	105	91	0.38	0.37	0.52	0.54	0.48	0.43	0.48	0.51
Monaghan	63,311	62,704	61,959	61,386	58,264	47	42	30	38	35	0.74	0.67	0.48	0.62	0.60	0.63	0.59	0.57
Offaly	81,321	80,388	79,241	77,961	79,617	29	54	45	33	34	0.36	0.67	0.57	0.42	0.43	0.53	0.55	0.47
Roscommon	66,053	65,198	64,400	64,544	62,647	38	34	25	39	31	0.58	0.52	0.39	0.60	0.49	0.49	0.50	0.50
Sligo	67,590	66,942	66,147	65,535	62,994	35	38	29	44	47	0.52	0.57	0.44	0.67	0.75	0.51	0.56	0.62
Tipperary	163,509	162,632	160,857	159,553	160,110	116	145	128	122	108	0.71	0.89	0.80	0.76	0.67	0.80	0.82	0.74
Waterford	119,985	118,471	117,313	116,176	115,881	93	95	81	83	84	0.78	0.80	0.69	0.71	0.72	0.76	0.74	0.71
Westmeath	92,596	91,533	90,227	88,770	89,456	79	56	96	67	70	0.85	0.61	1.06	0.75	0.78	0.84	0.81	0.87
Wexford	154,631	152,680	151,186	149,722	147,985	142	86	71	78	70	0.92	0.56	0.47	0.52	0.47	0.65	0.52	0.49
Wicklow	149,588	147,251	145,255	142,425	141,866	81	66	65	68	54	0.54	0.45	0.45	0.48	0.38	0.48	0.46	0.44
TOTAL	**4,921,503**	**4,857,000**	**4,792,500**	**4,761,865**	**4,635,400**	**3946**	**3650**	**3667**	**3473**	**3429**								

** Population figures for 2016 are taken from the census figures for that year. The 2015, 2017, 2018 & 2019 figures are based on a proration of the estimated regional population figures as published in the Central Statistics Office's Population and Migration Estimates issued in 2015, 2017, 2018 & 2019*

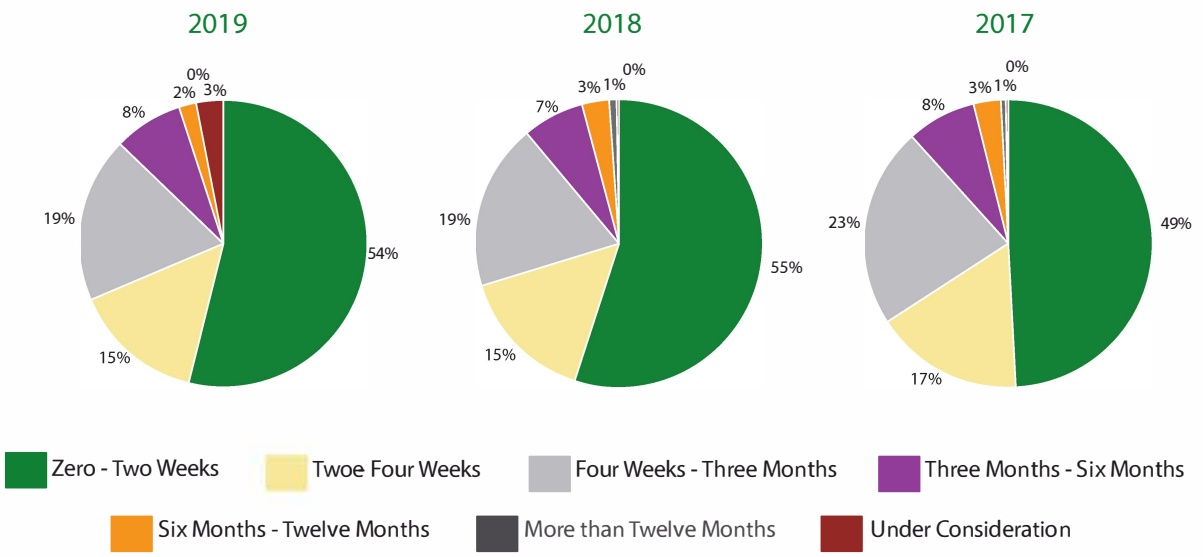
Chart 2.1.5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing multiple suspects, decisions in respect of all suspects may not be made at the same time.

Files vary in size and complexity. Also, in some cases, further information or investigation was required before a decision could be made.

The time taken to issue directions is calculated on the basis of only those files which have been disposed of. Files still under consideration are therefore shown as a separate category in the table below.

CHART 2.1.5: Time Taken to Issue Directions

Time Taken	2019	%	2018	%	2017	%
Zero - Two Weeks	6640	54%	6449	55%	5669	49%
Two - Four Weeks	1820	15%	1762	15%	1923	17%
Four Weeks - Three Months	2313	19%	2187	19%	2592	23%
Three Months - Six Months	947	8%	800	7%	915	8%
Six Months - Twelve Months	231	2%	367	3%	342	3%
More than Twelve Months	13	0%	71	1%	65	1%
TOTAL FILES DISPOSED	**11964**	**97%**	**11636**	100%	**11506**	100%
Under Consideration	357	3%	32	0%	12	0%
TOTAL	**12321**	100%	**11668**	100%	**11518**	100%



2.2 Results of Cases Prosecuted on Indictment

2.2.1 Charts 2.2.1 to 2.2.5 provide information for prosecutions on indictment taken by the Director in respect of files received in the Office between 2016 and 2018. As referred to in the initial explanatory note, care should be taken before a comparison is made with figures provided by any other organisation, as they may be compiled on a different basis.

2.2.2 The figures in these charts relate to individual suspects against whom a direction has been made to prosecute on indictment. Statistics are provided on a suspect-by-suspect basis rather than on the basis of files received. This is because directions are made in respect of each suspect included within a file rather than against the complete file as an entity in itself. Depending on the evidence provided, different directions are often made in respect of the individual suspects received as part of the same file. References in these charts to 'cases' refer to such prosecutions taken against individual suspects. Although individual suspects on a file may be tried together where a direction is made to prosecute them in courts of equal jurisdiction, each suspect's verdict will be collated separately for the purpose of these statistics.

2.2.3 Statistics are provided on the basis of one outcome per suspect; this is irrespective of the number of charges and offences listed on the indictment. Convictions are broken down into: conviction by jury, conviction on plea, and conviction on a lesser charge. A conviction on a lesser charge indicates that the suspect was not convicted for the primary or most serious offence on the indictment. The offence categorisation used in the main charts is by the primary or most serious offence on the indictment. Therefore, if a defendant is convicted of a lesser offence, the offence or offences they are convicted for may be different from that under which they are categorised in the charts. For example, a suspect may be charged with murder but ultimately convicted for the lesser offence of manslaughter or charged with aggravated burglary but convicted of the lesser offence of burglary. A breakdown of convictions on a lesser charge is given in respect of cases heard in the Special and Central Criminal Courts in charts 2.2.3a and 2.2.4a. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges.

2.2.4 It should also be noted that statistics set out in these charts relate to what happened in the trial court only and not in a subsequent appeal court. In other words where a person is convicted and the conviction is subsequently overturned on appeal, the outcome of the trial is still shown in these statistics as a conviction.

2.2.5 Care should be taken in relation to interpreting the rates of conviction and acquittal in respect of recent years, as a higher number of cases will not have reached a conclusion. The picture furnished by these statistics will be less complete and therefore less representative than those in respect of earlier years. Cases heard relatively early may not necessarily be a representative sample of the whole.

Chart 2.2.1 shows the results of prosecutions on indictment taken in relation to defendants in respect of whom prosecutions were commenced in the years 2016 to 2018 (as of April 2020). The figures relate to:

Conviction: A conviction was obtained in respect of at least one of the charges brought in the case.

Acquittal: The defendant was acquitted on all charges.

Not Yet Heard: These are cases in which a decision to prosecute has been taken and the matter is before the courts.

NOTE: *Figures have not been included for 2019 as the great majority of these cases have yet to be dealt with by the courts and the outcomes for the few cases where results are available may not be representative of the final picture covering all the cases.*

CHART 2.2.1: Case Results - Prosecutions on Indictment

Outcome	2018	%	2017	%	2016	%
Conviction	2135	58%	2663	73%	2588	75%
Acquittal	78	2%	160	4%	239	7%
Not Yet Heard	1374	38%	714	19%	463	13%
Struck Out/Discontinued	65	2%	131	4%	183	5%
TOTAL	**3652**		**3668**		**3473**	

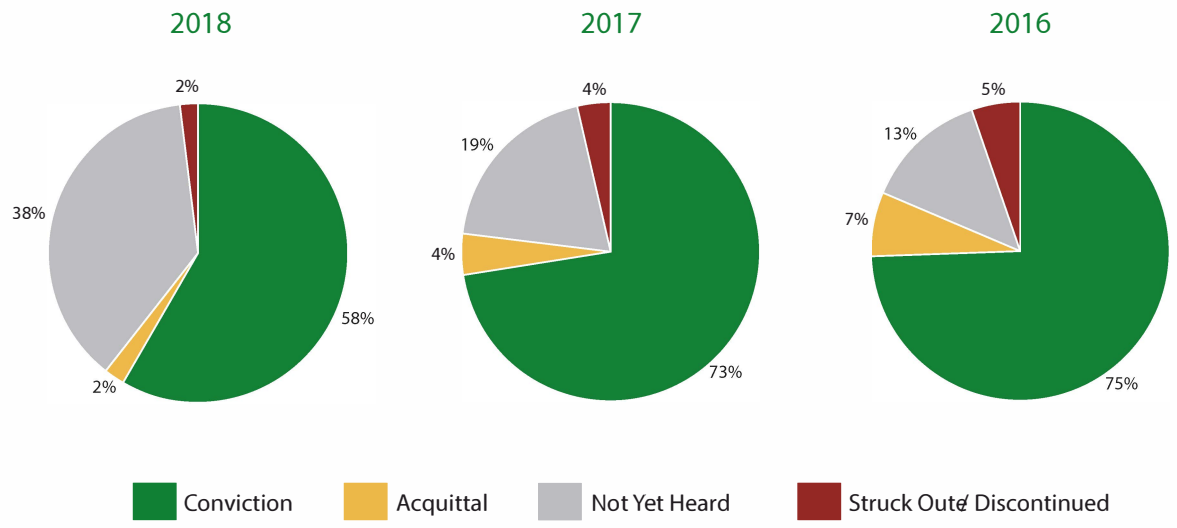


CHART 2.2.1a: Breakdown of Convictions and Acquittals (excluding cases still to be heard)

	2018	%	2017	%	2016	%
Conviction by Jury	61	3%	144	5%	166	6%
Conviction Following Plea of Guilty	2074	94%	2519	89%	2422	86%
TOTAL CONVICTIONS	**2135**	**96%**	**2663**	**94%**	**2588**	**92%**
Acquittal by Jury	51	2%	115	4%	164	6%
Acquittal on Direction of Judge	27	1%	45	2%	75	3%
TOTAL ACQUITTALS	**78**	**4%**	**160**	**6%**	**239**	**8%**
TOTAL	**2213**		**2823**		**2827**	

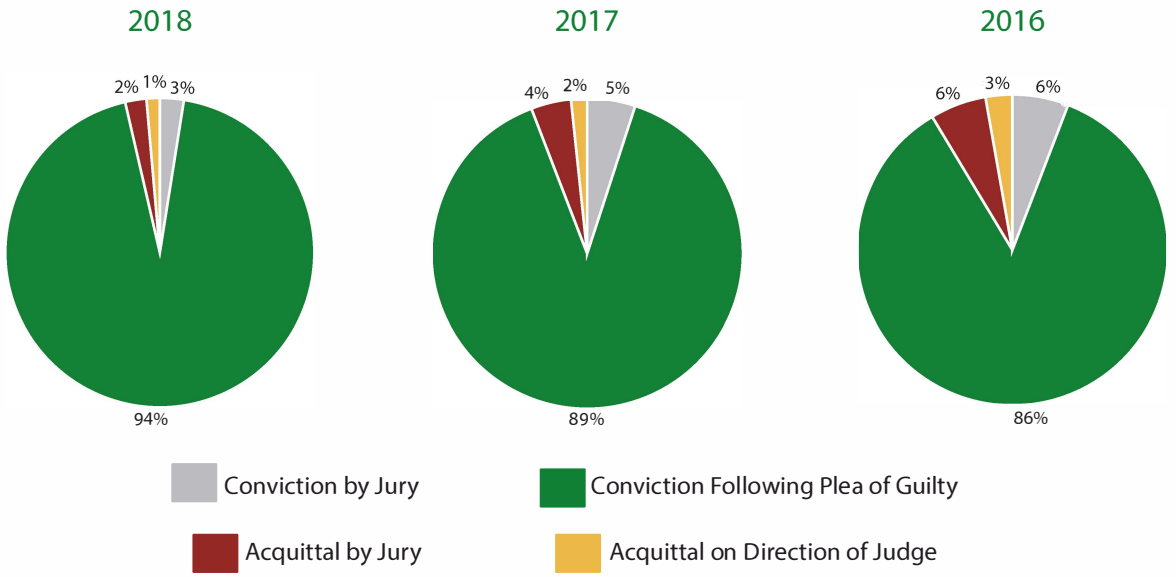


Chart 2.2.2 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. In other cases the defendant may have absconded before the trial and a bench warrant and/or extradition proceedings may be in process. Other cases, especially those of a complex nature, may not yet have come to trial. The greater proportion of cases 'For Hearing' makes the figures in more recent years less representative. This provision is also applicable to Charts 2.2.3 and 2.2.4. Where a trial results in a jury disagreement the case is treated as still being 'For Hearing' unless a *nolle prosequi* is entered.

CHART 2.2.2: Outcomes of Cases Prosecuted in the Circuit Criminal Court

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge			For Hearing			Other Disposals		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Fatal Accident at Work	12	11	5	0	0	0	2	4	4	0	1	1	0	0	0	0	2	0	10	4	0	0	0	0
Manslaughter	5	4	6	0	1	1	2	2	2	0	0	0	0	0	1	0	1	1	3	0	1	0	0	0
TOTAL - FATAL OFFENCES	**17**	**15**	**11**	**0**	**1**	**1**	**4**	**6**	**6**	**0**	**1**	**1**	**0**	**0**	**1**	**0**	**3**	**1**	**13**	**4**	**1**	**0**	**0**	**0**
Burglary	321	332	321	1	2	5	218	222	226	23	40	36	2	4	2	2	3	5	72	47	31	3	14	16
Fraud	49	43	50	0	1	2	28	28	28	0	3	2	1	0	3	0	0	2	20	10	8	0	1	5
Robbery	332	339	298	4	3	6	216	278	243	8	16	10	0	1	2	2	0	2	98	35	29	4	6	6
Theft	213	222	235	4	2	1	129	152	181	6	6	12	0	0	2	1	2	2	69	54	28	4	6	9
Other Offences Against Property	344	289	297	4	8	11	184	188	189	20	24	27	0	6	5	2	3	4	124	49	46	10	11	15
TOTAL - OFFENCES AGAINST PROPERTY	**1259**	**1225**	**1201**	**13**	**16**	**25**	**775**	**868**	**867**	**57**	**89**	**87**	**3**	**11**	**14**	**7**	**8**	**15**	**383**	**195**	**142**	**21**	**38**	**51**
Dangerous Driving Causing Death	23	26	28	2	0	4	12	16	16	0	4	6	0	1	1	0	0	0	8	5	1	1	0	0
Unauthorised Taking of Motor Vehicles	23	18	22	0	0	0	14	10	18	1	5	3	0	0	0	0	0	0	8	3	0	0	0	1
Other Road Traffic Offences	68	85	89	0	5	1	26	36	45	4	12	17	4	6	7	1	0	3	33	24	14	0	2	2
TOTAL - ROAD TRAFFIC OFFENCES	**114**	**129**	**139**	**2**	**5**	**5**	**52**	**62**	**79**	**5**	**21**	**26**	**4**	**7**	**8**	**1**	**0**	**3**	**49**	**32**	**15**	**1**	**2**	**3**
Sexual Assault	143	126	131	6	14	14	39	45	43	4	2	2	7	13	33	3	4	7	79	43	20	5	5	12
Child Pornography	68	69	49	0	1	0	45	47	37	3	10	6	0	0	0	0	0	1	18	10	2	2	1	3
Indecent Assault	46	41	54	2	10	3	6	9	17	0	0	1	0	2	6	1	1	2	34	17	17	3	2	8
Offences Against Children & Protected Persons	19	19	28	1	0	2	8	11	12	0	0	2	0	0	2	0	0	1	10	8	7	0	0	2
Other Sexual Offences	22	13	17	0	0	1	10	6	7	0	0	0	0	0	0	0	0	2	12	6	6	0	1	1
TOTAL - SEXUAL OFFENCES	**298**	**268**	**279**	**9**	**25**	**20**	**108**	**118**	**116**	**7**	**12**	**11**	**7**	**15**	**41**	**4**	**5**	**13**	**153**	**84**	**52**	**10**	**9**	**26**
Drug Offences	533	530	493	1	0	1	354	375	365	36	62	56	1	3	2	0	0	3	139	83	60	2	7	6
Firearms and Explosives Offences	105	129	113	2	4	5	47	70	72	10	21	11	4	5	6	0	2	3	40	23	10	2	4	6
Non Fatal Offences Against the Person	847	805	763	11	23	25	378	442	423	68	86	71	23	49	61	13	18	23	339	150	99	15	37	61
Public Order Offences	208	274	173	3	3	1	87	124	92	26	53	32	0	8	7	0	4	7	90	61	31	2	21	3
Revenue Offences	23	21	32	0	1	0	10	14	24	0	0	0	0	1	0	0	0	0	13	5	6	0	0	2
Sea Fisheries	4	6	3	0	0	0	2	2	2	0	0	0	1	0	0	0	0	0	1	4	1	0	0	0
Other Offences	64	85	86	1	3	0	22	40	46	3	8	6	3	3	3	0	3	3	33	26	21	2	2	7
GRAND TOTAL	**3472**	**3487**	**3293**	**42**	**81**	**83**	**1839**	**2121**	**2092**	**212**	**353**	**301**	**46**	**102**	**143**	**25**	**43**	**71**	**1253**	**667**	**438**	**55**	**120**	**165**

CHART 2.2.2a: Breakdown of 'Other Disposals' from Chart 2.2.2

	2018	2017	2016
Nolle Prosequi Entered	45	102	147
Struck Out	1	1	1
Taken into Consideration	0	3	1
Successful Application to Dismiss Charges	2	1	2
Suspect Absconded and Not Expected to Return	0	0	0
Jury Discharged and Permanent Stay on Indictment	1	2	2
Case withdrawn Without Prejudice to State	0	1	0
Case initiated in Another Jurisdiction for Same offence	0	1	0
Jury disagreed - Retrial Ordered	1	1	0
Suspect Deceased	2	2	7
Suspect Unfit to Plea	0	3	2
Not Guilty by Reason of Insanity	3	3	3
TOTAL	**55**	**120**	**165**

CHART 2.2.2b: Total Cases Finalised in the Circuit Criminal Court and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2018	2017	2016	2018	2017	2016
Fatal Accident at Work	2	7	5	100%	71%	100%
Manslaughter	2	4	5	100%	75%	60%
TOTAL - FATAL OFFENCES	**4**	**11**	**10**	**100%**	**73%**	**80%**
Burglary	246	271	274	98%	97%	97%
Fraud	29	32	37	97%	100%	86%
Robbery	230	298	263	99%	100%	98%
Theft	140	162	198	99%	99%	98%
Other Offences Against Property	210	229	236	99%	96%	96%
TOTAL - OFFENCES AGAINST PROPERTY	**855**	**992**	**1008**	**99%**	**98%**	**97%**
Dangerous Driving Causing Death	14	21	27	100%	95%	96%
Unauthorised Taking of Motor Vehicles	15	15	21	100%	100%	100%
Other Road Traffic Offences	35	59	73	86%	90%	86%
TOTAL - ROAD TRAFFIC OFFENCES	**64**	**95**	**121**	**92%**	**93%**	**91%**
Sexual Assault	59	78	99	83%	78%	60%
Child Pornography	48	58	44	100%	100%	98%
Indecent Assault	9	22	29	89%	86%	72%
Offences against Children & Protected Persons	9	11	19	100%	100%	84%
Other Sexual Offences	10	6	10	100%	100%	80%
TOTAL - SEXUAL OFFENCES	**135**	**175**	**201**	**92%**	**89%**	**73%**
Drug Offences	392	440	427	100%	99%	99%
Firearms and Explosives Offences	63	102	97	94%	93%	91%
Non Fatal Offences Against the Person	493	618	603	93%	89%	86%
Public Order Offences	116	192	139	100%	94%	90%
Sea Fisheries	10	16	24	100%	94%	100%
Revenue Offences	3	2	2	67%	100%	100%
Other Offences	29	57	58	90%	89%	90%
GRAND TOTAL	**2164**	**2700**	**2690**	**97%**	**95%**	**92%**

Chart 2.2.3 outlines the result of cases directed for prosecution in the Special Criminal Court.

CHART 2.2.3: Outcomes of Cases Prosecuted on Indictment in the Special Criminal Court

	TOTAL			Conviction by Judges			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Judges			Other Disposals			For Hearing		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Assisting an Offender	0	3	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Attempted Murder	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Conspiracy to Murder	11	3	0	1	0	0	4	1	0	0	2	0	0	0	0	0	0	0	6	0	0
Criminal Damage	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0
False Imprisonment	2	0	3	0	0	0	0	0	0	0	0	2	0	0	1	0	0	0	2	0	0
Firearms and Explosives Offences	8	10	5	2	0	0	6	8	2	0	2	3	0	0	0	0	0	0	0	0	0
Membership of Unlawful Organisation	0	3	13	0	2	5	0	1	0	0	0	6	0	0	2	0	0	0	0	0	0
Moneylaundering	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
Murder	0	1	10	0	0	5	0	0	0	0	1	2	0	0	0	0	0	1	0	0	2
Offences Against the State	0	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0
Participating in Organised Crime	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0
TOTAL	**25**	**25**	**33**	**3**	**2**	**10**	**10**	**13**	**3**	**0**	**5**	**13**	**0**	**0**	**3**	**0**	**0**	**2**	**12**	**5**	**2**

CHART 2.2.3a: Breakdown of 'Convictions on Lesser Charge' for Persons Charged with Membership of Unlawful Organisation and Related Offences

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction After Trial			Conviction on Plea		
		2018	2017	2016	2018	2017	2016	2018	2017	2016
Membership of Unlawful Organisation	Firearms and Explosives Offences	0	0	5	0	0	2	0	0	3
	Providing Assistance to an Illegal Organisation	0	0	1	0	0	0	0	0	1
Murder	Participating in Organised Crime	0	1	2	0	0	0	0	1	2
Conspiracy to Murder	Firearms and Explosives Offences	0	2	0	0	0	0	0	2	0
False Imprisonment	Assault Causing Harm	0	0	2	0	0	0	0	0	2
Firearms and Explosives Offences	Misuse of Drugs Offence	0	1	0	0	1	0	0	0	0
	Providing Assistance to an Illegal Organisation	0	1	1	0	0	0	0	1	1
	Threat to Kill	0	0	2	0	0	0	0	0	2
TOTAL		**0**	**5**	**13**	**0**	**1**	**2**	**0**	**4**	**11**

CHART 2.2.3b: Breakdown of 'Other Disposals' from Chart 2.2.3

	2018	2017	2016
Nolle Prosequi Entered	0	0	1
Suspect Deceased	0	0	1
TOTAL	**0**	**0**	**2**

CHART 2.2.3c: Total Cases Finalised in the Special Criminal Court and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2018	2017	2016	2018	2017	2016
Assisting an Offender	0	3	0	N/A	100%	N/A
Attempted Murder	0	0	0	N/A	N/A	N/A
Conspiracy to Murder	5	3	0	100%	100%	N/A
Criminal Damage	0	0	0	N/A	N/A	N/A
False Imprisonment	0	0	3	N/A	N/A	67%
Firearms and Explosives Offences	8	10	5	100%	100%	100%
Membership of Unlawful Organisation	0	3	13	N/A	100%	85%
Moneylaundering	0	0	0	N/A	N/A	N/A
Murder	0	1	7	N/A	100%	100%
Offences Against the State	0	0	1	N/A	N/A	100%
Participating in Organised Crime	0	0	0	N/A	N/A	N/A
TOTAL	**13**	**20**	**29**	**100%**	**100%**	**90%**

Chart 2.2.4 outlines the result of cases directed for prosecution in the Central Criminal Court and breaks down all cases by the most serious charge directed against the defendant. Supplementary charts break down the 'convictions on a lesser charge' and the 'other disposals' outcomes.

CHART 2.2.4: Outcomes of Cases Prosecuted on Indictment in the Central Criminal Court

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge			Other Disposals			For Hearing		
	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder	33	26	20	2	11	6	0	5	1	5	3	9	2	2	2	0	0	0	5	1	0	19	4	2
Attempted Murder	3	4	7	0	1	0	0	2	3	1	0	0	1	1	0	0	0	0	0	0	4	1	0	0
Rape	107	118	114	4	25	29	14	26	19	2	10	15	2	10	19	2	2	1	4	10	11	79	35	20
Attempted Rape	2	3	3	1	0	1	0	0	0	0	1	1	0	0	0	0	0	0	1	0	0	0	2	1
Aggravated Sexual Assault	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0
Assisting an Offender	0	4	1	0	3	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault	8	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	8	0	0
Trafficking a Child for the Purposes of Sexual Exploitation	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
TOTAL CASES	**155**	**156**	**147**	**7**	**40**	**37**	**14**	**34**	**24**	**8**	**14**	**25**	**5**	**13**	**21**	**2**	**2**	**1**	**10**	**11**	**16**	**109**	**42**	**23**

CHART 2.2.4a: Breakdown of 'Convictions on Lesser Charge'

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2018	2017	2016	2018	2017	2016	2018	2017	2016
Murder	Manslaughter	5	3	6	4	2	3	1	1	3
Murder	Participation in Organised Crime	0	0	2	0	0	0	0	0	2
Murder	Firearms and Explosives Offences	0	0	1	0	0	1	0	0	0
Attempted Murder	Assault Causing Serious Harm	1	0	0	0	0	0	1	0	0
Rape	Defilement	0	5	6	0	0	0	0	5	6
Rape	Assault Causing Harm	0	0	2	0	0	0	0	0	2
Rape	Sexual Assault	2	3	7	0	2	2	2	1	5
Rape	Sexual Exploitation of a Child	0	1	0	0	0	0	0	1	0
Rape	Indecent Assault	0	1	0	0	0	0	0	1	0
Attempted Rape	Sexual Assault	0	0	1	0	0	0	0	0	1
Attempted Rape	Threat to Kill	0	1	0	0	0	0	0	1	0
TOTAL		**8**	**14**	**25**	**4**	**4**	**6**	**4**	**10**	**19**

CHART 2.2.4b: Breakdown of 'Other Disposals'

	2018	2017	2016
Nolle prosequi entered	4	9	10
Suspect Unfit to Plead	1	0	0
Suspect Deceased	0	1	2
Struck Out	1	0	1
Not Guilty by Reason of Insanity	4	1	3
TOTAL	**10**	**11**	**16**

CHART 2.2.4c: Total Cases Finalised in the Central Criminal Court and Percentage of Convictions (Including Convictions on a Lesser Charge)

	TOTAL			Percentage of Convictions		
	2018	2017	2016	2018	2017	2016
Murder	9	21	18	78%	90%	89%
Attempted Murder	2	4	3	50%	75%	100%
Rape	24	73	83	83%	84%	76%
Attempted Rape	1	1	2	100%	100%	100%
Aggravated Sexual Assault	0	0	0	N/A	N/A	N/A
Assisting an Offender	0	4	1	N/A	100%	100%
Sexual Assault	0	0	1	N/A	N/A	100%
Trafficking a Child for the Purposes of Sexual Exploitation	0	0	0	N/A	N/A	N/A
TOTAL	**36**	**103**	**108**	**81%**	**85%**	**80%**

Chart 2.2.5 breaks down the case verdicts for each Circuit Criminal Court. Unlike Chart 2.2.2, it does not include cases 'for hearing' or cases where the outcome is other than conviction or acquittal. Please note that in some cases, a trial may be held in a circuit court for a county other than that in which the offence was committed.

CHART 2.2.5: Outcomes of Cases Prosecuted on Indictment in the Circuit Criminal Court by County

Carlow	27	37	35	0	1	0	24	29	31	2	3	1	1	4	3	0	0	0
Cavan	47	49	53	0	1	0	33	42	50	13	6	3	1	0	0	0	0	0
Clare	53	96	56	1	2	2	48	85	44	4	6	4	0	2	6	0	1	0
Cork	243	250	330	9	9	6	209	202	257	9	20	32	8	9	12	8	10	23
Donegal	34	39	49	1	2	3	28	29	37	3	6	1	2	0	8	0	2	0
Dublin	904	1082	1005	6	14	26	794	864	811	97	168	121	3	29	33	4	7	14
Galway	53	108	87	1	2	2	42	77	64	8	26	12	2	3	7	0	0	2
Kerry	38	53	76	3	2	0	35	45	60	0	3	6	0	2	7	0	1	3
Kildare	82	67	83	0	5	5	63	44	66	11	11	8	6	6	3	2	1	1
Kilkenny	36	59	60	0	3	1	31	49	29	4	4	17	0	3	9	1	0	4
Laois	32	50	35	1	2	0	20	38	28	5	8	5	1	2	2	5	0	0
Leitrim	10	11	6	0	1	0	8	6	3	1	3	3	0	1	0	1	0	0
Limerick	64	122	130	1	2	1	59	106	112	4	12	6	0	1	9	0	1	2
Longford	15	28	28	0	3	0	15	19	22	0	5	5	0	0	1	0	1	0
Louth	58	82	76	1	3	5	51	64	61	3	9	4	3	5	5	0	1	1
Mayo	45	59	58	2	5	3	36	42	49	4	10	4	2	1	2	1	1	0
Meath	44	71	75	0	2	5	41	49	54	3	8	12	0	7	2	0	5	2
Monaghan	13	16	10	0	0	0	12	15	9	1	1	0	0	0	1	0	0	0
Offaly	42	38	29	0	2	1	33	28	21	7	6	7	0	1	0	2	1	0
Roscommon	26	19	34	3	2	1	22	12	26	1	3	5	0	2	1	0	0	1
Sligo	24	24	34	1	0	3	20	19	20	2	1	4	1	2	4	0	2	3
Tipperary	90	110	99	3	7	5	57	75	63	22	18	25	6	4	5	2	6	1
Waterford	72	70	66	5	3	5	61	58	51	3	4	2	3	5	4	0	0	4
Westmeath	32	60	55	0	0	0	28	55	43	2	3	0	1	2	1	1	0	11
Wexford	44	52	67	3	5	5	35	33	51	2	7	6	4	6	4	0	1	1
Wicklow	36	48	54	0	1	2	35	38	32	1	2	8	0	3	9	0	4	3
TOTAL	**2164**	**2700**	**2690**	**41**	**79**	**81**	**1840**	**2123**	**2094**	**212**	**353**	**301**	**44**	**100**	**138**	**27**	**45**	**76**

CHART 2.2.5a: Total Cases Finalised and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2018	2017	2016	2018	2017	2016
Carlow	27	37	35	96%	89%	91%
Cavan	47	49	53	98%	100%	100%
Clare	53	96	56	100%	97%	89%
Cork	243	250	330	93%	92%	89%
Donegal	34	39	49	94%	95%	84%
Dublin	904	1082	1005	99%	97%	95%
Galway	53	108	87	96%	97%	90%
Kerry	38	53	76	100%	94%	87%
Kildare	82	67	83	90%	90%	95%
Kilkenny	36	59	60	97%	95%	78%
Laois	32	50	35	81%	96%	94%
Leitrim	10	11	6	90%	91%	100%
Limerick	64	122	130	100%	98%	92%
Longford	15	28	28	100%	96%	96%
Louth	58	82	76	95%	93%	92%
Mayo	45	59	58	93%	97%	97%
Meath	44	71	75	100%	83%	95%
Monaghan	13	16	10	100%	100%	90%
Offaly	42	38	29	95%	95%	100%
Roscommon	26	19	34	100%	89%	94%
Sligo	24	24	34	96%	83%	79%
Tipperary	90	110	99	91%	91%	94%
Waterford	72	70	66	96%	93%	88%
Westmeath	32	60	55	94%	97%	78%
Wexford	44	52	67	91%	87%	93%
Wicklow	36	48	54	100%	85%	78%
TOTAL	**2164**	**2700**	**2690**	**97%**	**95%**	**92%**

2.3 Applications to the Courts

Charts 2.3.1 to 2.3.3 provide details of applications made to the Courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, and confiscation and forfeiture of criminal assets.

APPLICATIONS TO THE COURT OF APPEAL (CRIMINAL)

The Court of Appeal was established in October 2014 following the 33rd Amendment to the Constitution and the enactment of the Court of Appeal Act 2014. The Court sits between the High and Supreme Courts and took over the existing appellate jurisdiction of the Supreme Court in civil matters and the Court of Criminal Appeal in criminal matters. The first criminal appeal case was heard on 10 November 2014.

Chart 2.3.1 below details the number of appeals lodged since the establishment of the new Court. The 'Appeal by DPP' column outlines the number of cases in which the Director was an applicant, including, for example, undue leniency, acquittal, and fitness to plead appeals. The remaining columns set out the number of cases in which the Director was a respondent and relate to severity of sentence and conviction appeals.

CHART 2.3.1: Appeals to the Court of Appeal (Criminal) since November 2014

Year	Appeal by DPP	Severity of Sentence	Conviction	Conviction and Severity	TOTAL CASES
November - December 2014	10	37	9	13	**69**
January - December 2015	44	195	40	54	**333**
January - December 2016	59	164	47	59	**329**
January - December 2017	49	138	42	49	**278**
January - December 2018	53	178	45	46	**322**
January - December 2019	47	164	35	49	**295**
TOTAL	**262**	**876**	**218**	**270**	**1,626**

APPLICATIONS FOR REVIEW OF SENTENCE ON GROUNDS OF UNDUE LENIENCY

Section 2 of the Criminal Justice Act, 1993 provides that the Director of Public Prosecutions may apply to the Court of Appeal (Criminal) to have a sentence imposed by the trial court reviewed, if it appears that the sentence imposed was in law unduly lenient.

Chart 2.3.2 below details the number of applications lodged in the last ten years.

Chart 2.3.2a outlines the results of applications by the year in which the application was heard.

CHART 2.3.2: Applications for Review of Sentence on Grounds of Undue Leniency

Year of Application	Number of Applications Lodged
2009	57
2010	54
2011	55
2012	21
2013	32
2014	31
2015	38
2016	56
2017	49
2018	49
2019	46

CHART 2.3.2a: Results of Applications by Year Heard

Year of Application Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2009	15	13	3	**31**
2010	27	27	3	**57**
2011	22	18	3	**43**
2012	15	10	3	**28**
2013	16	6	4	**26**
2014	23	11	2	**36**
2015	36	10	5	**51**
2016	16	13	6	**35**
2017	30	18	3	**51**
2018	26	10	3	**39**
2019	30	14	0	**44**

CONFISCATION AND FORFEITURE OF CRIMINAL ASSETS

Taking away the assets of convicted criminals, as provided for under the provisions of the Criminal Justice Act 1994, has proved to be an effective tool available to the Prosecution in diminishing the proceeds that are obtained from criminal activity. The Office of the DPP provides advice and support to prosecution practitioners in relation to confiscation and forfeiture applications. The Office also participates with other departments and agencies in reviewing the procedures and structures for criminal asset seizure in the State.

Asset seizing files received in the Office under the Criminal Justice Act 1994 ranged from forfeiture order cases to confiscation order cases. The total number of cases opened in 2019 is set out in Chart 2.3.3 below.

CHART 2.3.3: Asset Seizing Files Opened in 2019

Asset Seizing Files Opened 2019	
Section 39 Forfeiture Order Applications (Revenue and Gardaí)	39
Section 61 Forfeiture Order Applications	3
Section 4 Confiscation Order Applications	7
Section 24 Freezing Order Applications	5
TOTAL	**54**

Section 39 Forfeiture Orders: Under section 39 of the Act a Judge of the Circuit Court may order the forfeiture of any cash which has been seized under section 38* of the Act if satisfied that the cash directly or indirectly represents the proceeds of crime.

* Section 38 of the Act authorises the seizure of cash where a member of An Garda Síochána or an officer of Customs and Excise has reasonable grounds for suspecting that the cash (including cash found during a search) represents any person's proceeds from criminal conduct. The cash seized by a Garda or an officer of Customs and Excise may not be detained for more than 48 hours unless the further detention of the cash is authorised by a Judge of the District Court. Applications can be made to Court to continue to detain the cash for periods of up to two years.

Section 61 Forfeiture Orders: Section 61 of the Act allows for forfeiture of any property used to commit, or to facilitate any offence, in either the District Court or Circuit Court. This can be done in relation to a wide variety of assets, such as cars used to transport criminals to and from crime scenes, as well as money and instruments of crime such as drug preparation equipment found at the crime scene, or near to it.

Section 4 Confiscation Orders: Under the provisions of section 4 of the Act, once a person has been convicted on indictment of a drug trafficking offence and sentenced, the court of trial must determine whether the convicted person has benefited from drug trafficking, the extent to which he or she has benefited, and the amount that is realisable to discharge a Confiscation Order. The Court can then make a Confiscation Order for that figure.

Section 24 Freezing Orders: Section 24 of the Act provides for applications to the High Court by the DPP for freezing orders where a person is charged, or a decision has been taken to charge that person, with an indictable offence. The freezing order can cover all property identified both in Ireland or abroad belonging to the accused person. Freezing orders are designed to prevent the dissipation of assets prior to a confiscation inquiry being conducted by the trial court if the accused is convicted on indictment of the offence charged.

Section 56 Restitution Orders: Under the provisions of the Criminal Justice (Theft and Fraud Offences) Act 2001, an order may be made by the court restoring funds or property to injured parties in relation to offences committed under that Act.

Details of Confiscation and Forfeiture Orders granted by the courts in 2019, to a total value of €2,758,404, are outlined in chart 2.3.3a below.

CHART 2.3.3a: Confiscation of Criminal Assets in 2019

Orders	Number	Amount
Section 39 Forfeiture Orders (Revenue and Gardaí)	35	€1,131,771
Section 61 Forfeiture Orders	4	€935,000
Section 4 Confiscation Orders	3	€689,008
Section 56 Restitution Orders	1	€2,625
TOTAL	**43**	**€2,758,404**

2.4 Extradition and European Arrest Warrants

EXTRADITION REQUESTS

Requests for the preparation/issue of Extradition Requests (seeking the extradition of individuals who are not present in EU member states) are submitted to the Office of the Director of Public Prosecutions by the Extradition Unit of An Garda Síochána.

Once completed, these Extradition Requests are issued by forwarding the requests to the Central Authority in Ireland in the Department of Justice and Equality. The Extradition Requests are then transmitted via diplomatic channels by the Department of Foreign Affairs and Trade.

At present Ireland has bi-lateral extradition treaties with the United States of America, Australia and Hong Kong. Additionally, Ireland has ratified the European Convention on Extradition (Paris 1957).

In 2019, the Office of the Director of Public Prosecutions received five files from An Garda Síochána seeking the completion and issue of Extradition Requests.

Three Extradition Requests were issued in 2019. These requests were transmitted to Turkey, Iceland and Jersey.

CHART 2.4.1: Extradition Requests 2019

Country Request Transmitted to:	Number of Extradition Requests Issued
Iceland	1
Turkey	1
Jersey	1
TOTAL	**3**

EUROPEAN ARREST WARRANTS

The European Arrest Warrant Act, 2003 came into operation on 1 January 2004. A European Arrest Warrant (EAW) is a warrant, order or decision of a judicial authority in one member state of the EU addressed to another member state of the EU for the purpose of conducting a criminal prosecution or the execution of a custodial sentence in the issuing member state.

Requests for the preparation of EAWs are submitted to the Office of the Director of Public Prosecutions by the Extradition Unit of the Garda Síochána. Applications for EAWs are normally made to a Judge of the High Court. An EAW can be issued by a court if the person requested would, if convicted of the offence, be potentially liable to serve a term of imprisonment of twelve months or more. Alternatively, if the person requested has already been convicted of an offence, an EAW can be issued in respect to that offence, if the requested person is required to serve as a sentence a term of imprisonment of at least four months.

When issued by the High Court, the EAW is sent to the Department of Justice and Equality for transmission to the country where it is believed the requested person is residing. The offences for which EAWs have been sought cover a wide range of serious offences including murder, sexual offences, drugs offences, thefts and serious assaults.

Chart 2.4.2 below outlines the number of European Arrest Warrants dealt with in the years 2017, 2018 and 2019. It should be noted that the issue of the EAW and the surrender of the person will not necessarily correspond to the year the file is received. Of the total files received, some were not issued by the end of the year. This happens for various reasons, for example, because the application is still pending, or the requested person died or was arrested in Ireland, or because a decision was taken not to proceed with the EAW.

CHART 2.4.2: European Arrest Warrants

Year	EAW Files Received from Gardaí	EAWs Issued	Persons Surrendered
2017	63	67	31
2018	89	103	54
2019	91	87	35

2.5 Mutual Legal Assistance

Under the Criminal Justice (Mutual Assistance) Act 2008, Ireland can provide mutual legal assistance to, and ask for mutual legal assistance from, other countries in criminal investigations or criminal proceedings. For example, the Gardaí might want to ask the relevant authorities in another country to interview witnesses, or to provide details about an individual involved in a criminal investigation. These details might include:

- witness interviews
- bank records
- police records
- emails
- social media posts of an individual involved in a criminal investigation

The Gardaí or Revenue Commissioners send requests for mutual legal assistance to the International Unit in the Office of the DPP for approval. Once finalised and signed, these requests are then sent to the Central Authority in the Department of Justice and Equality, which then sends them to the relevant country.

Chart 2.5.1 outlines the total number of requests dealt with by this Office seeking mutual legal assistance from other countries (outgoing requests) in 2019, 2018 and 2017.

CHART 2.5.1: Requests dealt with by this Office seeking Mutual Legal Assistance from other countries

	2019	2018	2017
Number of Requests	602	559	526

CHART 2.5.2: Breakdown of countries to which mutual legal assistance requests were issued by this Office in 2019

Country	2019
EU Member States (excluding United Kingdom)	169
United Kingdom	141
United States of America	240
Canada	16
Other	77
TOTAL	**643**

PART 3:
Legal Developments

3.1 Legal Developments 2019

INTRODUCTION

3.1.1 This chapter gives a brief outline of some of the court decisions during the past year which are important or interesting or have precedent value for prosecution work. Space does not permit a comprehensive review of all the case law from 2019, but the cases mentioned should give the reader an idea of some of the issues which arise from time to time in the prosecution of offences.

BILINGUAL DISTRICT COURT JUDGE (Judicial Review)

***Ó'Cadhla v. The Minister for Justice and Equality and ors* [2019] IEHC 503 (Ní Raifeartaigh J, 20 June 2019)**

3.1.2 The applicant was being prosecuted in the District Court for a drink driving offence. He sought a declaration from the High Court that there was a constitutional duty on the respondents to nominate a judge with Irish to hear his case. The High Court held that the State must make "reasonable efforts" to assign a bilingual judge when an accused in the District Court has chosen to present his case in Irish. The application for a bilingual District Judge cannot be refused by the District Court judge simply because the applicant spoke English.

CHALLENGE TO DECISION OF DPP NOT TO PROSECUTE (Judicial Review)

***Carroll v. Judge Fahy & anor* [2019] IECA 258 (Edwards J, 21 October 2019)**

3.1.3 The applicant sought to challenge the decision of the DPP not to prosecute his neighbours. He was refused leave by the High Court to bring judicial review proceedings. The Court of Appeal upheld that decision commenting that while in some circumstances a decision to prefer or not to prefer charges can be challenged, they are not the norm and when they arise they represent an exception to the rule. An applicant seeking to review the DPP's decision must demonstrate something like *male fides*, an improper motive or the application of an improper policy. These factors did not exist as in this case the DPP had decided not to prosecute as there was insufficient evidence and the decision should be taken at face value.

COMMITTAL WARRANT (Judicial Review)

***Brennan v. The Governor of Castlerea Prison; Maguire v. Governor of the Dóchas Centre* [2019] IESC 5 (Dunne J, 8 February 2019)**

3.1.4 The Supreme Court held that it is not necessary for a District Court or Circuit Court committal warrant to recite on the face of the warrant that a sentencing judge has considered the possibility of community service prior to or as an alternative to imprisonment. The Court also held that that a District Court appeals judge is empowered to strike out an appeal against conviction or sentence and affirm the decision of the District Court in circumstances where an appellant fails to turn up in court to prosecute their appeal. The Circuit Court is not obliged to embark on a hearing of the prosecution evidence again.

DELAY (Article 34 Appeal)

***Director of Public Prosecutions v. CC* [2019] IESC 94 (Clarke CJ, and others, 19 December 2019)**

3.1.5 The appellant had been charged with sexual offences dating back to 1971-1972. His application to the trial judge to halt his trial on the basis of delay and the loss of a key witness was refused. The Supreme Court dismissed his case but took the opportunity to set out the approach which should be taken by a trial judge where an accused has applied to

have a trial halted on the grounds of alleged unfairness arising out of lapse of time between the alleged offence and the trial. The trial judge must "assess" whether a trial is fair and just in light of the lapse of time and whether the accused had thereby been deprived of a realistic opportunity of a useful line of defence. The process by which the trial judge should carry out that "assessment" is contained at paragraphs 9.2 to 9.5 of the judgement of Clarke CJ. The "assessment" includes, for example, the trial judge first considering how the trial has developed and then the available evidence and missing evidence.

DPP ATTENDANCE AT ENFORCEMENT PROCEEDINGS (Case Stated)

***Director of Public Prosecutions v. Fogarty & anor* [2019] IEHC 308 (Eager J, 10 May 2019)**

3.1.6 The High Court held that proceedings for enforcement arising from the non-payment of a fine were of a judicial nature and it was not necessary for the DPP to attend such proceedings or be represented once the conviction had been recorded and the fine imposed. A District Judge does not have discretion to strike out the enforcement proceedings under section 7 of the Fines (Payment and Recovery) Act 2014 Act in the event of either the non- attendance of the prosecutor or defendant.

DRINK DRIVING - DELAY IN ARRIVAL OF DOCTOR AT GARDA STATION (Case Stated)

***Director of Public Prosecutions v. Brehon* [2019] IEHC 63 (Murphy J, 8 February 2019)**

3.1.7 The High Court held that the delay in the arrival of the doctor at the Garda station of nearly two hours from the time of the arrest of the accused for a drink driving offence to the time he provided a urine specimen to the doctor for analysis had been properly explained by the prosecution and did not render the detention of the accused unlawful. The doctor had been delayed because of a medical emergency. The High Court said that the test to be applied is "reasonableness" and in the circumstances of this case the delay was reasonable.

DRINK DRIVING - STATEMENT OF BREATH SPECIMEN (Case Stated)

***Director of Public Prosecutions (at the suit of Garda Conor Gurn) v. McGrath* [2019] IEHC 236 (Simons J, 12 April 2019)**

3.1.8 In a prosecution for a drink driving offence the High Court held that an authenticated copy of a section 13 statement of a breath specimen was admissible as if it were the original statement and therefore the evidential statutory presumptions contained in section 20 of the Road Traffic Act 2010 applied to the photocopied statement. The issue had arisen as the original statement had been misplaced. The evidential presumptions applicable to such a statement applies equally to a photocopy. The decision was confirmed on appeal by the Court of Appeal on 16 April 2020.

MANDATORY MINIMUM SENTENCE (Plenary Action)

***Ellis v. Minister for Justice and Equality and ors* [2019] IESC 30 (Finlay Geoghegan J, 15 May 2019)**

3.1.9 The Supreme Court found section 27(A)(8) of the Firearms Act 1964 (as amended) was unconstitutional. The section provided for a mandatory minimum sentence of five years to be imposed on persons convicted of the offence of 'possession of a firearm or ammunition in suspicious circumstances'. The Court held that while it was permissible for the Oireachtas to specify a mandatory penalty which is to be generally applied to all persons convicted of an offence, it could not single out a certain cohort of people. The Supreme Court ruling does not relate to mandatory sentences in general but specifically repeat offenders of offences under the firearms legislation.

MISUSE OF DRUGS - SECTION 15A (Undue Leniency Appeal)

***Director of Public Prosecutions v. Sarsfield* [2019] IECA 260 (Birmingham P, 15 October 2019)**

3.1.10 The respondent was convicted of a section 15A offence and sentenced to seven years' imprisonment. He was found to be in possession of controlled drugs valued at

approximately €4.1million. The Director appealed the sentence arguing that it was not an appropriate case to impose a sentence of less than the mandatory presumptive minimum of ten years. In order to have an overview of sentencing patterns, the Court of Appeal reviewed 67 sentence appeals involving section 15A offences which were dealt with by the appeal courts between 2014 and 2019. The Court agreed that the sentence was unduly lenient commenting that a headline (pre-mitigation) sentence of 15 years would have been appropriate. The Court substituted the seven years sentence with one of 10 years. The Court observed that the headline sentence for high-level commercial dealing of drugs should be 14/15 years and higher in exceptional cases.

OFFENCE OF WITHHOLDING INFORMATION (Article 34 Appeal)

***Sweeney v. Ireland* [2019] IESC 39 (Charleton J, 28 May 2019)**

3.1.11 The Supreme Court overturned a decision of the High Court which had declared that section 9(1)(b) of the Offences Against the State (Amendment) Act 1998 (i.e. the offence of withholding information) was unconstitutional because it has offended the constitutional right to remain silent and was vague and uncertain. The Supreme Court disagreed, ruling that the section did not infringe the constitutional prohibition against vagueness.

OFFICIALLY INDUCED ERROR/ ENTRAPMENT BY ESTOPPEL (Article 34 Appeal)

***Director of Public Prosecutions v. Casey* [2019] IESC 7 (Charleton J, 21 February 2019)**

3.1.12 The Supreme Court was asked to clarify if the defence of "officially induced error" or "entrapment by estoppel" was available in Ireland and if so what are its parameters. For a defence to be accepted as a bar to the continuation of a trial (as against being a substantive defence) an accused must prove that he or she went in good faith to seek legal advice from the authority. What the official advises must be specific and amount to legal advice or advice of mixed law and fact, in a manner which clearly authorises the conduct as a matter of law. That advice must be accepted honestly and must be such that a reasonable person would be likely to act on it. The Court held that there was nothing in the appellant's case which would have enabled him to make this plea to a trial judge.

POSSESSION OF STOLEN GOODS (Case Stated)

***Director of Public Prosecutions v. Larkin* [2019] IEHC 16 (Allen J, 21 January 2019)**

3.1.13 The High Court held that for an offence of possessing stolen goods to have been committed the possession relied upon must have been 'otherwise than in the course of stealing', but that does not preclude a thief from being convicted of being in possession of stolen goods provided that the theft has been completed at the time of the act of possession relied upon as representing the *actus rea* of the offence of possession of stolen goods.

RECOVERY OF FINES (Judicial Review)

***Owens and Dooley v. Director of Public Prosecutions* [2019] IESC 36 (Dunne J, 27 May 2019)**

3.1.14 The Supreme Court ruled that the new regime in the Fines (Payment and Recovery) Act 2014 applied to people who had been sentenced under the old fines regime, but where default provisions of the orders made against them had not been implemented before the 2014 Act came into force on January 2016. The Act was intended to expand the options available for the recovery of fines and to reduce the numbers imprisoned over the failure to pay a fine imposed following a court procedure.

RTA - FIXED CHARGE NOTICE (Case Stated)

***O'Byrne v. Director of Public Prosecutions and ors; Neville v. Director of Public Prosecutions and ors* [2019] IEHC 715 (Ní Raifeartaigh J, 30 October 2019)**

3.1.15 The High Court held that section 44(10) of the Road Traffic Act 2010 was unconstitutional because of a contradiction between section 35(2) and section 44(10) on the issue of the

effect of a section 35 fixed charge notice not having being served upon an accused person. Section 44(10) provided that where a person is served with a summons accompanied by a section 44 notice in respect of a fixed charge offence, it shall not be a defence for the person to show that he or she was not served with a fixed charge notice in accordance with section 35 of the Act. Section 35 provides that a prosecution for a fixed charge offence shall not be instituted unless a fixed charge notice concerning the alleged offence is served on the accused and they fail to pay the fixed charge.

SENTENCING IN MANSLAUGHTER CASES (Sentence Appeal)

***Director of Public Prosecutions v. Mahon* [2019] IESC 24 (Charleton J, 11 April 2019)**

3.1.16 The accused was convicted in the Central Criminal Court of manslaughter and sentenced to seven years' imprisonment. The Supreme Court granted him leave to appeal his sentence on a number of grounds. The Supreme Court ultimately rejected his appeal but did conduct an extensive review of sentences imposed between 2001 and 2016 in manslaughter cases. It set out four bands for sentencing in manslaughter cases which will be useful for reference. The bands and headline sentences are as follows:

- **i)** Worst cases (15-20 years, with life a possibility);
- **ii)** High culpability (10-15 years);
- **iii)** Medium culpability (4-10 years);
- **iv)** Lower culpability (suspended sentence up to four years).

SENTENCING GUIDELINES - ASSAULT CAUSING SERIOUS HARM (Conviction Appeal)

***Director of Public Prosecutions v. O'Sullivan* [2019] IECA 250 (Birmingham P, 11 October 2019)**

3.1.17 In the case of *Director of Public Prosecutions v. Fitzgibbon* [2014] 2 ILRM 116, the Court of Appeal had set out sentencing guidelines for the offence of assault causing serious harm contrary to section 4 of the Non-Fatal Offences Against the Person Act 1997. In this case it revisited the guidelines and recommended that the upper limit for a pre-mitigation mid-level offence should be ten years rather than seven and half years. The upper limit for a pre-mitigation high-level offence should be 15 years rather than 12½ years.

SENTENCING GUIDELINES - RAPE (Article 34 Appeal)

***Director of Public Prosecutions v. FE* [2019] IESC 85 (Charleton J, 6 December 2019)**

3.1.18 The respondent had been convicted of committing several offences against his wife over a period of time including rape, assault and threats to kill. The Director appealed his sentence to the Supreme Court with regard to the appropriate approach to sentence in a charge of rape where the offence forms part of a series of offences. In its judgement, the Supreme Court provided guidelines on sentencing for rape, the role of counsel at sentencing and the question of consecutive and concurrent prison sentences. The Supreme Court held that the Court of Appeal was incorrect in viewing a rape offence in isolation from a series of criminal events which surrounded the rape offence. It set out the following sentencing guidelines in rape and in cases involving a number of offences including rape as follows:

- **i)** The standard case (7-10 years);
- **ii)** More serious cases (10-15 years);
- **iii)** Sentences up to life imprisonment (15 years to life);
- **iv)** Cases falling below the norm (4-7 years);
- **v)** Suspended sentences.

SUSPENDED SENTENCE (Consultative Case Stated)

***Director of Public Prosecutions v. Kirwan* [2019] IECA 176 (Whelan J, 27 June 2019)**

3.1.19 The Court of Appeal held that the trial judge was correct in concluding that section 99(8A)(a) of the Criminal Justice Act 2006 as amended required her to remand the accused back to the District Court for a revocation hearing arising from a suspended sentence which was

imposed in March 2018, that being a date before the commencement of the amending legislation which amended the procedures for revoking suspended sentences. The amending legislation therefore applied to suspended sentences which were imposed before the commencement of the legislation.

UNLAWFUL POSSESSION OF MOBILE PHONE IN PRISON (Case Stated)

Director of Public Prosecutions v. Turner
[2019] IEHC 878 (Meenan J, 30 August 2019)

3.1.20 The accused was charged with the unlawful possession of a mobile phone in prison contrary to section 36 of the Prisons Act 2007. In a case stated referral, the High Court held that the prosecution must negate the possibility that each governor of the prison did not give the accused permission to possess the mobile phone by calling the relevant prison witness.

3.2 VICTIMS OF CRIME

3.2.1 In November 2015, an EU Directive establishing minimum standards on the rights, support and protection of victims of crime came into effect. The EU Directive was transposed into Irish law with the enactment of the Criminal Justice (Victims of Crime) Act 2017 in November 2017.

3.2.2 Under the Act, victims now have specific rights to information. They also have procedural rights during court proceedings. A victim is defined in the Act as a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, or a family member of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death.

3.2.3 Since the coming into effect of the Victims Directive and subsequent Criminal Justice (Victims of Crime) Act 2017, victims have the right to a summary of the reason for the decision not to prosecute in all cases where the decision was made on or after 16 November 2015 (the date on which the Victims Directive came into effect), subject to some limited exceptions. A victim can also ask for a review of a decision not to prosecute. The review is carried out by a lawyer who was not involved in making the original decision.

Charts 3.2.1 to 3.2.4 outline the number of requests for reasons and reviews received since 16 November 2015 and the main categories of offences which were the subject of those requests. Prior to the coming into effect of the Victims' Directive, this Office had, since October 2008, given reasons for decisions not to prosecute, on request, to the families of victims in fatal cases only.

3.2.4 The Victims Liaison Unit deals with all requests for reasons and reviews received from victims of crime. Staff in the Unit also provide an information service for victims who contact the Office by telephone. The Office has produced information booklets for victims on 'How we make prosecution decisions' and 'How to request reasons and reviews'. Both booklets - along with others that may be of assistance to victims of crime - are available on the 'Victims and Witnesses' section of our website, www.dppireland.ie.

3.2.5 In addition to the work of the Victims Liaison Unit, all legal staff in the Office, state solicitors and counsel representing the Office have responsibilities for ensuring that the Office meets its obligations in respect of the rights, support and protection of victims as set out in the Criminal Justice (Victims of Crime) Act 2017. This includes arranging for pre-trial meetings with victims in certain types of cases, and applying for special measures to assist victims in giving evidence where this is necessary.

3.2.6 This Office will continue to review its structures and procedures to ensure that they comply with the legislation, and that we are in a position to provide victims of crime with the standards and quality of service to which they are entitled.

3.2.7 During 2019, the Office obtained government support to establish a Sexual Offences Unit. It is planned that all sexual offences prosecuted in the Central Criminal Court and almost all categories of sexual offence in the Dublin Circuit Court will be managed from beginning to end within this new unit. Furthermore, the Sexual Offences Unit will make prosecutorial decisions on sexual offences cases originating outside of Dublin.

The operational experience of the Unit will significantly inform further development of policy for all aspects of the handling of these cases nationwide and the new Unit will work closely with the Office Policy Unit in that regard.

REQUESTS FOR REASONS AND REVIEWS

Under EU Directive 2012/29 the Directive victims have the right to a summary of reasons for a decision not to prosecute in cases where the decision was made on or after 16 November 2015. Victims also have a right to ask for a review of a decision not to prosecute. These rights are also contained in the Criminal Justice (Victims of Crime) Act 2017.

Charts 3.2.1 and 3.2.2 below set out the number of requests for a summary of reasons received in 2019, 2018 and 2017 and the categories of offences which were the subject of those requests.

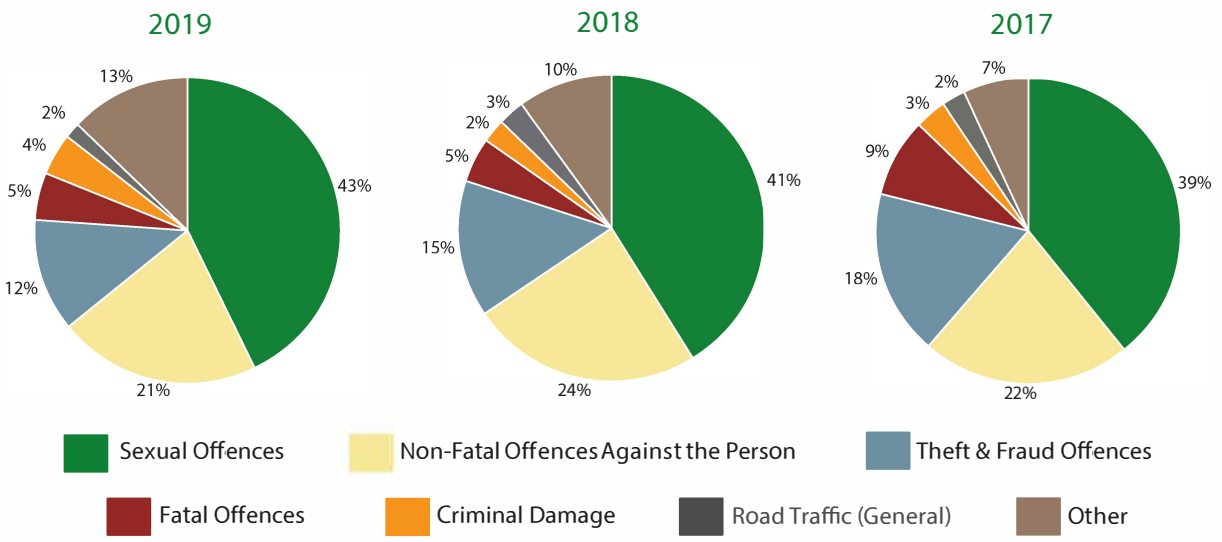
CHART 3.2.1 Requests for summary of reasons

	2019	2018	2017
Reasons given	563	553	582
Reasons refused	81	51	56
Pending	5	2	0
TOTAL requests for reasons received	**649**	**606**	**638**

Examples of instances in which requests are refused would include requests relating to decisions made prior to 16 November 2015, or where giving a reason may prejudice a future court case.

CHART 3.2.2 Categories of offences which were the subject of requests for reasons

Categories of Offences	2019	2018	2017
Sexual Offences	279	250	251
Non Fatal Offences Against the Person	138	148	141
Theft and Fraud Offences	78	87	112
Fatal Offences	33	30	54
Criminal Damage	28	14	21
Road Traffic (General)	11	18	15
Other	82	59	44
TOTAL	**649**	**606**	**638**



Charts 3.2.3 and 3.2.4 below set out the number of requests for review received in 2019, 2018 and 2017 and the categories of offences which were the subject of those requests.

CHART 3.2.3 Requests for review of a decision not to prosecute

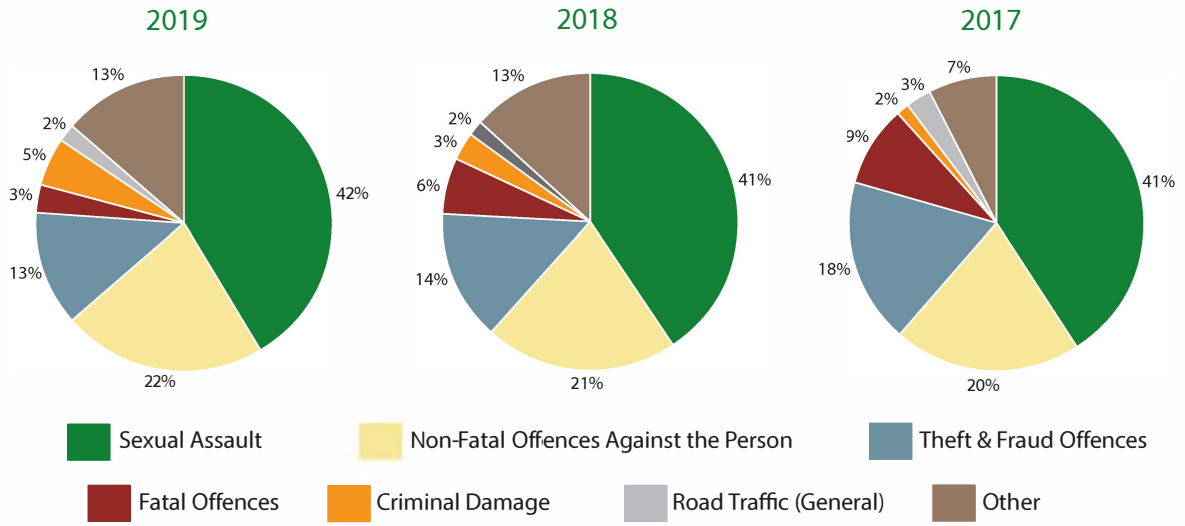
	2019	2018	2017
Decision Upheld	185	186	191
Decision Overturned	5	5 *	9
Invalid Request	-	4	19
Pending	17	1	0
TOTAL requests received for review of a decision	**207**	**196**	**219**

An invalid request would include, for example, a request to review a decision not to prosecute made by An Garda Síochána and not by the Office of the DPP.

** Two decisions related to two complainants in the one case.*

CHART 3.2.4 Categories of offences which were the subject of requests for reviews

Categories of Offences	2019	2018	2017
Sexual Offences	86	80	90
Non Fatal Offences Against the Person	46	41	45
Theft and Fraud Offences	26	28	39
Fatal Offences	6	12	20
Criminal Damage	11	6	3
Road Traffic (General)	4	3	6
Other	28	26	16
TOTAL	**207**	**196**	**219**



3.3 External Engagement and Outreach

3.3.1 As set out in the Strategy Statement 2019-2021 for the Office of the Director of Public Prosecutions, co-operation with other stakeholders in the Irish criminal justice system and relevant international bodies is a key objective of the work of the Office. In addition to the very close co-operation with other agencies that arises in individual cases, external engagement and outreach has been an important part of the work of the Office during the year.

3.3.2 During 2019, the Office hosted the 20th Annual National Prosecutors' Conference and Annual State Solicitors' Seminar, bringing together a large number of stakeholders in the Irish criminal justice system. The Office also co-hosted the 2019 Criminal Justice Agencies Conference with the Association for Criminal Justice Research and Development on the topic of '*Sexual Offences: The Challenge of Balancing Rights in the Criminal Justice System*'.

International Bodies and Networks

3.3.3 Staff members of the Office of the Director of Public Prosecutions participate in many international bodies in the area of criminal justice. A prosecutor from the Office of the Director of Public Prosecutions is based in Eurojust, the European Union Agency for Criminal Justice Co-operation, in The Hague. In 2019 the Director and DPP staff participated in a number of international bodies and networks including the following:

- International Association of Prosecutors (IAP)
- Council of Europe Consultative Council of European Prosecutors
- European Commission Expert Group on Criminal Policy
- European Judicial Cybercrime Network, hosted by Eurojust
- Global Prosecutors E-Crime Network, hosted by the IAP
- European Network of Prosecutors for the Environment
- European Judicial Network in Criminal Matters
- UK-Irish Criminal Justice Co-operation Network

3.3.4 The Office of the DPP has also responded in 2019 to requests from international bodies, in the context of information-gathering or evaluations of aspects of the Irish criminal justice system and to requests from other prosecution authorities, including hosting a high level delegation from Malta and the Council of Europe gathering information in the context of a reform of the Maltese criminal justice system.

National Bodies and Inter-Agency Committees

3.3.5 There was also considerable engagement in 2019 by DPP staff with national bodies and inter-agency committees and working groups to address specific issues in the Irish criminal justice system, including the following:

- Criminal Justice Strategic Committee, which brings together the Heads of the Criminal Justice Agencies, and its sub-groups;
- Law Society Criminal Law Committee;
- Association for Criminal Justice Research and Development;
- User groups and efficiency committees for all court jurisdictions;

- High-level and topic-based liaison groups with An Garda Síochána;
- High level Group on Criminal Legislation;
- Inter-agency Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences (chaired by Tom O'Malley BL);
- Expert Group on Bill to Codify Garda Powers of Search, Arrest and Detention;
- Brexit Steering Committee;
- European Investigation Order Committee;
- Financial Action Task Force Steering Committee;
- National Statistics Committee for Assets Seized;
- Anti-Money-Laundering Steering Committee and Terrorist Financing Sub-Group;
- Cost of Insurance Working Group Fraud Roundtable;
- Juvenile Diversion Program Review Group;
- Alternative Approaches to Possession of Drugs for Personal Use Working Group;
- Criminal Justice Data Needs and Interoperability Working Group;
- Criminal Justice Data Protection Officer's Sub Group;
- Criminal Justice Operational Hub;
- Data Sharing Brexit Contingency Planning Working Group;
- The Regulators Network;
- OECD Working Group on Bribery;
- Review of Anti-Corruption and Anti-Fraud Structures;
- Article 40 Committee;
- Juries Working Group;
- Fines (Payment and Recovery) Act 2014 Working Group;
- Health and Safety Authority/ DPP Working Group;
- Department of Justice Working Group on Services to Victims of Crime;
- Cross-Border Project Advisory Group on Victims Issues;
- Irish Criminal Justice and Disability Network;
- Criminal Justice (Fixed Charge Penalty System) Working Group;
- Central Statistics Office Sexual Violence Survey Policy Experts Group;
- A number of Legal Knowledge Management and Law Librarian Networks.

Training to External Agencies

3.3.6 The Office recognises that the provision of training to external organisations and agencies is a valuable opportunity to promote best practice in the prosecution of criminal offences. During 2019, training was provided by legal staff in the Office of the DPP to An Garda Síochána in particular, as well as to a number of other stakeholder bodies. The training sessions facilitated encompassed a range of topics including the following:

An Garda Síochána:

- Effective file preparation;
- Human trafficking prosecutions;
- Prosecution of money laundering offences;
- Drink driving prosecutions;
- Domestic Violence Act 2018;
- Training for newly promoted Garda Inspectors and Senior Investigating Officers;
- Protection of victims and use of special measures.

The Law Society of Ireland:

- Facilitation of lectures, tutorials and skills training as part of the Criminal Litigation module of the Professional Practice Course 1;
- Road traffic offences tutorials.

Sea Fishery Protection Authority:

- Effective file preparation.

Outreach Activities

3.3.7 Other outreach activities in 2019 included:

- a summer intern programme for post graduate students in law from six universities;
- spring clinical placement programme for two undergraduate students from NUIG;
- hosting participants in the Chief Justice's Summer Internship Programme for Law Students for a 'Criminal Justice Day';
- a spring and autumn transition year programme, in which 34 second-level students participated.

3.3.8 In 2019, the Office of the DPP also hosted two prosecutors from Malawi for a week-long training programme as part of the Irish Rule of Law International Exchange Programme.

PART 4:
Office Administration

4.1 Office Expenditure

Chart 4.1.1 shows the breakdown of office expenditure for 2019, 2018 and 2017.

Salaries and Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2019 was 208.24 (full-time equivalent).

Office Expenses: This relates to general office administration costs including purchase and maintenance of office equipment, office supplies, library costs, office premises maintenance, travel and other incidental expenses.

State Solicitor Service: This refers to payment of amounts agreed by contract with 32 State Solicitors in private practice who are contracted to this Office to represent the Director in courts outside Dublin.

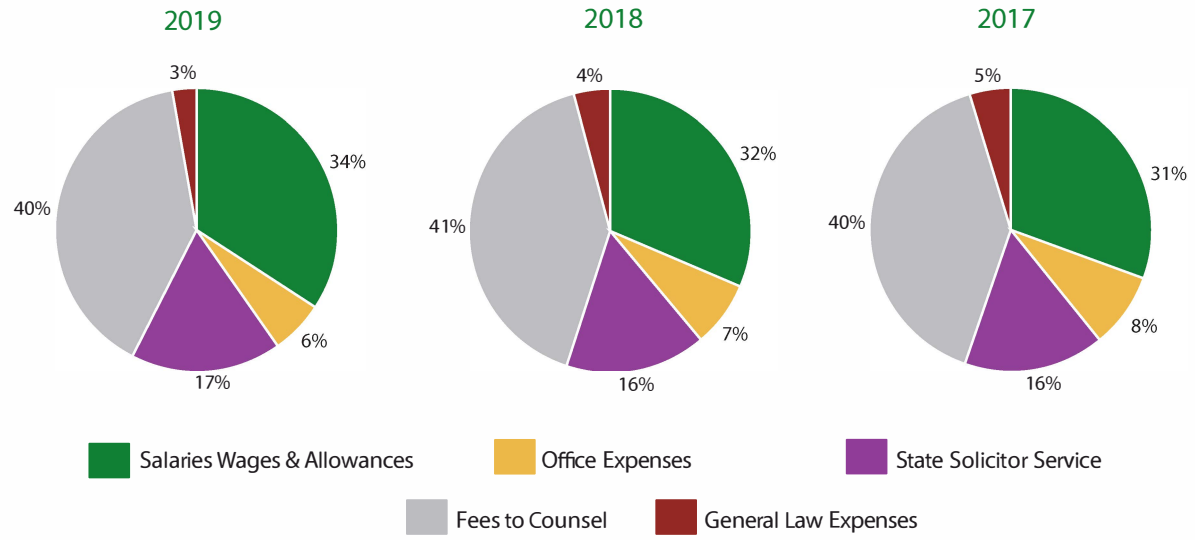
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

General Law Expenses: This refers to the payment of legal costs awarded by the courts in legal proceedings against the Director.

NOTE: *The amounts outlined in Chart 4.1.1. for Salaries, Wages & Allowances and Office Expenses are net of pension-related deductions and Appropriations-in-Aid respectively.*

CHART 4.1.1: Office Expenditure

	2019 €	%	2018 €	%	2017 €	%
Salaries Wages & Allowances	14,502,533	34%	13,453,646	32%	12,602,745	31%
Office Expenses	2,541,688	6%	3,187,616	7%	3,450,709	8%
State Solicitor Service	7,235,623	17%	6,848,584	16%	6,561,453	16%
Fees to Counsel	16,813,805	40%	17,391,679	41%	16,406,056	40%
General Law Expenses	1,101,542	3%	1,677,859	4%	1,883,220	5%
TOTAL	**42,195,191**		**42,559,384**		**40,904,183**	



Charts 4.1.2 & 4.1.3 show a breakdown of expenditure on fees to counsel in the various criminal courts and by region in respect of the Circuit Criminal Court.

Fees paid to counsel in the Circuit, Central and Special Criminal Courts cover advising on proofs, drafting indictments, holding consultations, arraignments, presentation of the case and other necessary appearances e.g. for sentence.

Expenditure on fees in the High Court covers mainly bail applications and the preparatory work and hearings associated with judicial reviews.

CHART 4.1.2: Fees to Counsel Paid by Court

	2019 €	%	2018 €	%	2017 €	%
Circuit Court	7,856,391	47%	8,482,806	49%	7,799,284	47%
Central Criminal Court	5,450,788	32%	4,809,819	28%	5,360,531	33%
High Court	1,107,779	7%	1,198,836	7%	1,005,532	6%
Supreme Court	347,348	2%	253,819	1%	318,151	2%
Court of Appeal	1,067,999	6%	1,259,052	7%	1,240,827	8%
Special Criminal Court	907,921	5%	1,355,457	8%	636,149	4%
District Court	75,579	1%	31,890	0%	45,582	0%
TOTAL	**16,813,805**		**17,391,679**		**16,406,056**	

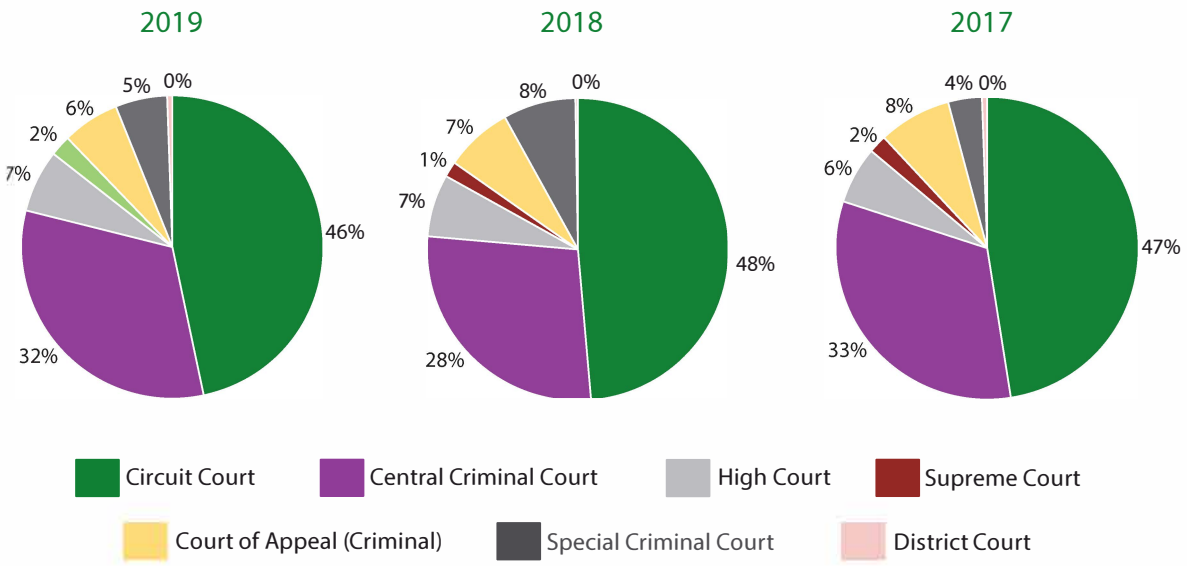
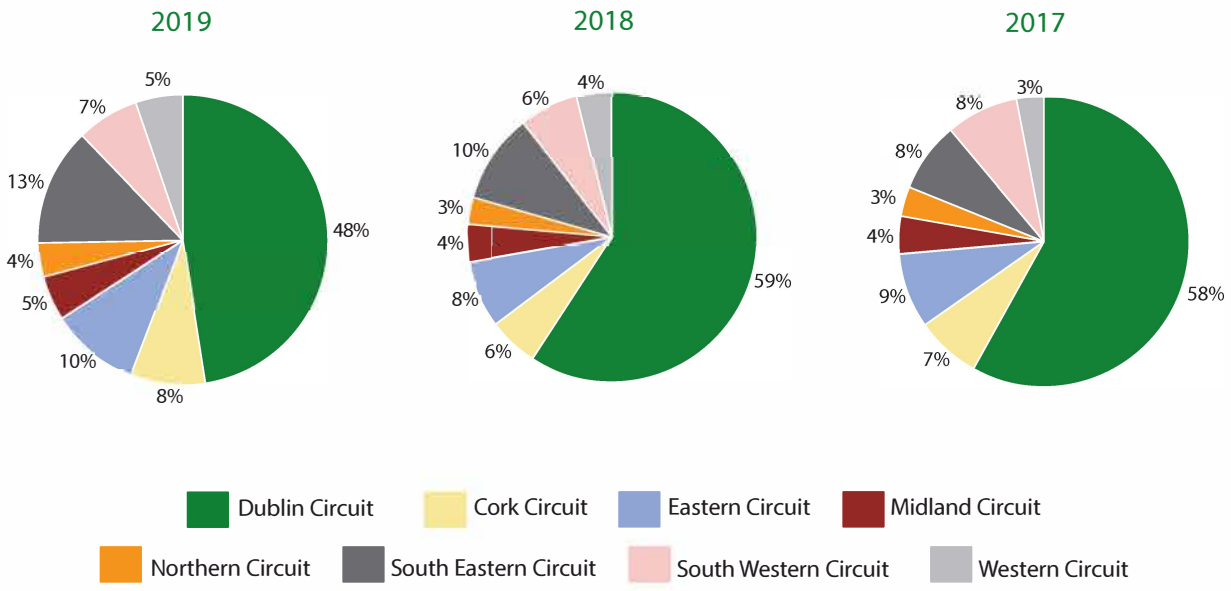


CHART 4.1.3: Fees to Counsel Paid by Circuit

	2019 €	%	2018 €	%	2017 €	%
Dublin Circuit	3,735,269	48%	5,030,155	59%	4,537,399	58%
Cork Circuit	666,619	8%	480,538	6%	559,609	7%
Eastern Circuit	787,540	10%	618,041	8%	649,440	9%
Midland Circuit	388,627	5%	367,777	4%	330,925	4%
Northern Circuit	311,009	4%	260,705	3%	258,350	3%
South Eastern Circuit	1,008,665	13%	839,518	10%	618,330	8%
South Western Circuit	555,688	7%	565,244	6%	627,967	8%
Western Circuit	402,974	5%	320,827	4%	217,264	3%
TOTAL	**7,856,391**		**8,482,805**		**7,799,284**	



4.2 Extract from Appropriation Account 2018

Account of the sum expended in the year ended 31 December 2018, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Office of the Director of Public Prosecutions.

		Estimate Provision €'000	2018 Outturn €'000	2017 Outturn €'000
PROGRAMME EXPENDITURE				
A.	**Provision of Prosecution Service**	44,466	43,389	41,682
	Gross Expenditure	**44,466**	**43,389**	**41,682**
	Deduct			
B.	**Appropriations-in-Aid**	**964**	**830**	**778**
	Net Expenditure	**€43,502**	**€42,559**	**€40,904**

Surplus for Surrender

The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer

	2018	2017
Surplus to be Surrendered	**€942,617**	**€189,816**

4.3 Prompt Payment of Accounts Act, 1997

Late Payments in Commercial Transactions Regulations 2002

OPERATION OF THE ACT IN THE PERIOD 1 JANUARY 2019 TO 31 DECEMBER 2019

4.3.1 The Office of the Director of Public Prosecutions makes payments to suppliers after the goods or services in question have been provided satisfactorily and within 30 days of the supplier submitting an invoice. In the case of fees to counsel, while invoices are not generated, the practice of the Office is to pay counsels fees within 30 days of receipt of a case report form in each case.

4.3.2 In the period in question, the Office made two late payments in excess of €317.50. The value of these payments was €12,135. The total value of late payments in the year amounted to €12,135 out of total payments of €3.4 million and interest and penalties thereon came to €515.42.

Statement of the Accounting Officer

4.3.3 The Office of the Director of Public Prosecutions is one of the organisations which is subject to the terms of the Prompt Payment of Accounts Act, 1997 and the Late Payments in Commercial Transactions Regulations 2002. The Act came into force on 2 January 1998, and since that time the Office has complied with the terms of the Act.

4.3.4 All invoices from suppliers are date stamped on receipt. Invoices are approved and submitted for payment in a timely manner to ensure that payment is made within the relevant period. When the invoices are being paid the date of receipt and the date of payment are compared, and if the relevant time limit has been exceeded, an interest payment is automatically generated. In cases where an interest payment is required, the matter is brought to the attention of management so that any necessary remedial action can be taken.

4.3.5 The procedures which have been put in place can only provide reasonable and not absolute assurance against material non-compliance with the Act.

Barry Donoghue
Accounting Officer
April 2020

4.4 Freedom of Information

4.4.1 The Freedom of Information (FOI) Act 2014 asserts the right of members of the public to obtain access to official information, including personal information, to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

4.4.2 Section 42(f) of the Act 2014 provides a right of access only with regard to records which relate to the general administration of the Office of the DPP. This in effect means that records concerning criminal prosecution files are not accessible under the FOI Act.

4.4.3 The Office continues to make FOI information available as readily as possible. Our Freedom of Information Publication Scheme is available on our website, www.dppireland.ie. This publication outlines the business of the Office including the types of records kept.

4.4.4 The FOI unit can be contacted by telephone on (01) 858 8500 or by e-mail at foi@dppireland.ie. This e-mail address can be used to submit a Freedom of Information request, but cannot be used when requesting an internal review where an application fee is required.

4.4.5 During 2019 a total of 46 requests were submitted to the Office. Nineteen requests were granted/part granted, 22 requests were refused and five were dealt with outside of FOI. The main reason for the refusals was that the records sought did not relate to the general administration of the Office.

4.4.6 Eighteen of the requests were submitted by journalists, five were submitted by business/ interest groups, while the other 23 requests were made by the general public.

4.4.7 In the 22 cases where requests were refused, three of the requesters sought an internal review of the original decision. The original decisions were upheld in each case.

Requests Received 2019	
Requests Granted / Part Granted	19
Requests Refused	22
Withdrawn/ Dealt with outside of FOI	5
TOTAL REQUESTS	**46**

Requesters 2019	
Journalists	18
General Public	23
Business/ Interest Groups	5

Reviews 2019	
Requests for Internal Review	3
Requests to the Information Commissioner for Review	0

4.5 Annual Energy Efficiency Report 2019

Overview of Energy Usage in 2019

4.5.1 In 2019, the Office of the Director of Public Prosecutions consumed 983.73MWh of energy, which represents a 19.5% reduction on 2018 consumption.

The total energy consumption is in respect of space heating, air conditioning, hot water, lighting, computer systems and other office equipment at our office buildings in Infirmary Road.

This figure is compiled as follows:

- 368.16MWh of Electricity
- 615.57MWh of Natural Gas

The significant reduction in energy consumption in 2019 over the previous year can for the most part be attributed to the successful implementation of a number of specific energy saving measures which commenced in late 2018. These included the provision of new boiler systems and a lighting upgrade programme.

Actions Undertaken in 2019

4.5.2 During 2019, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. Actions taken during 2019 include the following:

- Monitoring of existing energy management systems continued and gas boilers were switched off for extended periods over the summer.
- New boiler systems were maintained and new heating system controls were used to monitor and refine energy consumption levels.
- The new computerised OPW Building Management System (BMS) was used to facilitate the isolation of buildings on the site with the purpose of increasing efficiency in the management of energy on a per building basis as required.
- A major lighting upgrade project which got underway in October 2018 aimed at significantly reducing electricity consumption in all buildings on the site, was successfully completed in February 2019. The OPW sponsored project involved the replacement of over 700 internal and external fittings with energy saving LED fittings.
- Where improvement works were undertaken sensor lighting controls were installed.

Actions Planned for 2020

4.5.3 Actions planned for 2020 include the following:

- Continue to maximise the use of the Building Management System to identify and achieve incremental savings in energy consumption.
- Explore and incorporate specific energy saving measures in all build projects in the future.
- Progress insulation measures carried over from 2019 and developnew proposals for targeted insulation of the main office building.
- Continuation of awareness campaign using signage and posters.
- On receipt and review of the OPW sponsored Energy Audit report on the buildings on the site, examine and develop proposals for further reduction in energy consumption.

4.6 Irish Language Scheme

4.6.1 The 4th Irish Language Scheme for the Office was confirmed by the Minister for Culture, Heritage and the Gaeltacht in May 2018. This scheme took effect from 28 May 2018 and shall remain in force for a period of three years from that date (2018–2021).

4.6.2 During 2019 the Office had no requirement to deal with any court cases in Irish. A member of our panel of Irish speakers dealt with one request to translate a document into in Irish.

4.6.3 The Office produced three publications during 2019:

i) Strategy Statement 2019–2021

ii) Annual Report 2018

iii) Guidelines for Prosecutors [5th Edition - December 2019]

All publications were produced bilingually.

4.6.4 The Office website, www.dppireland.ie, is maintained and updated in bilingual format. Updates to the Irish version of the website are translated by external translators. Changes are then published simultaneously on the Irish and English versions of the website. During 2019, the total number of page views on the Irish version of our website was 1,900. This represents 1% of all page views (170,668). Apart from the Irish homepage, the most visited Irish pages were:

- Guidelines for Prosecutors
- Organisation Chart
- Working for Us - Latest Vacancies

4.6.5 Our Training Unit continues to promote Irish Language training courses to ensure that the Office can fulfil its obligations under the Official Languages Act. During 2019 however, no staff undertook Irish language courses.