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

Annual Report 2020

This Report is also available in the Irish Language

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FOREWORD

I am pleased to present the Annual Report for 2020. This is my last Annual Report as I step down on 7 November upon the expiration of my ten-year non-renewable term. I am therefore taking this opportunity to reflect on some of the important developments during what has been an eventful ten years for crime in Ireland.

Turning first to 2020 it was an extraordinary year for everyone in Ireland due to the onset of the Covid-19 pandemic. The pandemic had a huge impact not only on the way the prosecution service and the criminal justice system did its business, but also on the sort of business that it was possible to conduct. The administration of justice was deemed an essential service and the criminal justice system continued to function. The Office adapted well to the challenges created by a lot of court business moving online. Custody cases got priority in the early stages. Pleas of guilty and sentencing continued in all courts, as did certain hearings in the District Court and trials in the Special Criminal Court.

For public health reasons it was not possible to run jury trials for a large part of the year or to run as many jury trials. Where it was possible there were considerably fewer than would normally be the case. This has meant that an enormous backlog of trials has been created at Central Criminal Court and Circuit Court level. I acknowledge the efforts currently underway to address the backlogs by the assignment of additional judges to preside at trials. I also welcome the enactment of the provision on Preliminary Trial Hearings as contained in the Criminal Procedure Act 2021. I understand that the commencement of the relevant section of that Act awaits the finalisation of rules of court but I am hopeful that these provisions might over time make the trial process more efficient and provide more certainty for victims, accused persons and witnesses as to when a trial will proceed.

The pressures created by the pandemic particularly in relation to backlogs of trials were compounded in 2020 by a 27% increase in the number of files received for decision whether to prosecute. This led to a consequential increase in the number of cases proceeding to prosecution whether summarily or on indictment and put an enormous strain on the prosecution service.

The number of European Arrest Warrants received effectively doubled between 2019 and 2020. In the same period there was an increase of almost 50% in Mutual Legal Assistance Requests submitted to the Office.

Following Brexit, the Office undertook extensive work in collaboration with the Gardaí and others to prepare for the end of the transition period on the 31 December 2020. Fortunately, the new EU-UK Trade and Cooperation agreement was finally entered into at the end of December 2020, and since then we have been relying on this to apply for Arrest Warrants to the UK.

Increases in workload have continued in 2021. These sorts of increases were not capable of being absorbed by the relatively small staff cohort of this Office. I am therefore very pleased that an additional 35 posts have recently been sanctioned by the Department of Public Expenditure and Reform, bringing the total staff complement to 260. I want to pay tribute to all the staff of the Office who have risen magnificently to the challenge of processing increased workloads, particularly over the last 18 months.

One new area which emerged directly as a result of the pandemic was in relation to breaches of multiple Public Health Regulations, signed into law by the Minister for Health since March 2020. The DPP's Office has liaised with and advised the Garda Síochána on the enforcement of these regulations, and throughout 2020, all such prosecutions were directed upon by lawyers in the DPP's Office.

The regulations and the applicable offences evolved throughout 2020 and into 2021. Over time it was possible to delegate decision making in relation to certain categories of Covid regulatory offences back to the Garda Síochána. However, Covid offences constituted a very significant and complex area of work that required a lot of detailed attention, given the frequent changes to the regulations, the creation of new offences and the modification of others.

Perhaps inevitably, this increase in work pressure has had an impact on the progress of other initiatives such as the Sexual Offences Unit. We had hoped to establish it in the third quarter of 2020 but due to the pandemic and its impact on recruitment and other factors this was just not achievable. From December 2020, staff to be assigned to the Sexual Offences Unit commenced working on important preparatory and policy work which has already proved very valuable. Those members of staff formally transferred to the new Unit in April 2021 at the commencement of the first phase. It had been hoped that the second phase of the Unit could be embarked upon around now. However, this is on hold given the pressures across all categories of criminal offence which I have alluded to above. Recruitment of new staff is essential first. This is against a background of the need for a dedicated Unit to deal with sexual offences being greater than ever. In 2019 there was a 12% increase in the number of such files. In 2020 there was a further 8% increase.

The ten years since 2011 have been eventful for Ireland and for the criminal justice system. My tenure began in a financial crisis and is ending against the background of a global pandemic. In the early years there were challenges caused by recession related cuts to the budget of the Office. Meanwhile the Office undertook some very novel, large and complex prosecutions arising out of the banking crisis which resulted in some of the longest trials in the history of the State. We also saw the establishment of an entirely new court, the Court of Appeal in 2014, and of a second Special Criminal Court in 2015.

In the last decade the full impact of digitalisation and of social media has become apparent. Cybercrime both cyber-dependent and cyber enabled is now a major phenomenon. Crime has become global. Cases in every offence category have got bigger and more complex and present major challenges due to the volume of material collected in investigations. In every case we have to be mindful of our disclosure and Data Protection obligations.

There has been an increased and welcome focus on victims of crime in legislation and I am proud of the extensive work that the Office has done over many years to improve the understanding and experience of victims of the process that they are involved in. That work continues.

The second half of my tenure in particular has been marked by an increase in gangland crime and we have worked closely with An Garda Síochána in dealing with the many challenges that can arise in these cases.

Each year our annual report has covered legal developments in many legal areas. An enormous amount of criminal legislation both procedural and substantive has been enacted. There have been very significant developments in the role of the prosecutor at sentencing, and a body of case law has developed since the establishment of the Court of Appeal which is extremely helpful to all practitioners in the criminal justice system.

The judgement delivered by the Supreme Court in *DPP v. JC* in 2015 was a particularly important legal milestone. This judgement arising out of an appeal by the prosecution, reformulated the near absolute exclusionary rule that had applied in Ireland since *DPP v. Kenny* (1990). It has had major implications for the admissibility of evidence in individual cases. Prior to the *JC* decision we had the strictest exclusionary rule in the common law world. The change in the law brought about by this Supreme Court judgement has also meant that this Office can now decide to prosecute in cases where previously it would not have been possible. These matters can now be presented to the trial court and assessed according to the guidance provided by the *JC* case. This of course has had major implications not only for prosecutors but also for the victims of crime and the public interest, in ensuring that people who commit crimes can be tried before the courts.

In conclusion, I want to commend the staff of the Office both administrative and legal. It was an honour for me to have been their colleague over the twenty-eight years that I have been a prosecutor, and to have led them as Director. Their dedication to public service, their commitment and adaptability have always been evident to me but never more so than in the last eighteen months of the pandemic, when if possible they became even more productive, innovative and committed to delivering a prosecution service on behalf of the People of Ireland.

Claire Loftus
Director of Public Prosecutions
November 2021

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)

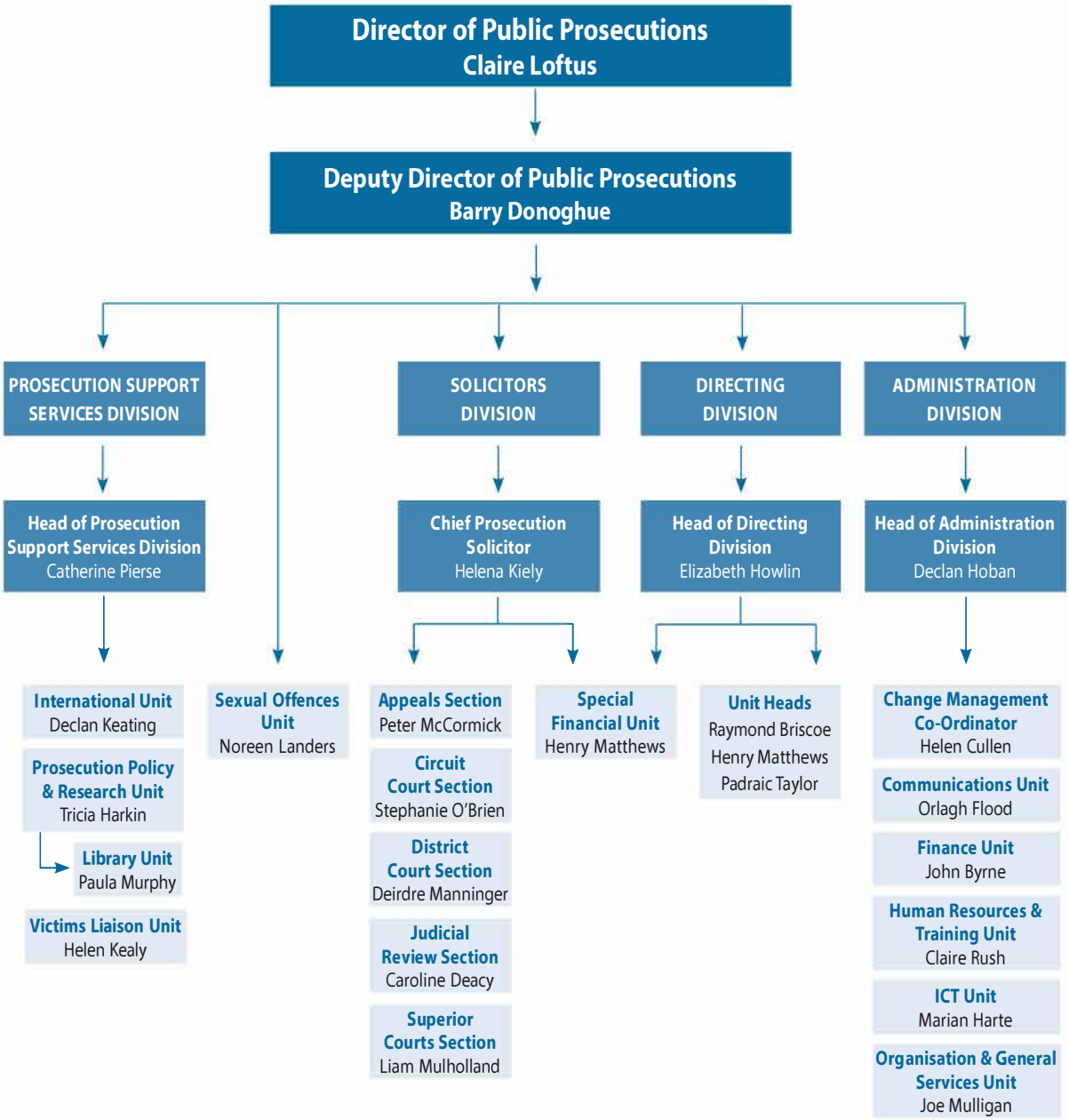
PROSECUTING COUNSEL

- 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 2021)



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 2017 and 2019;

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; and

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 2020 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 2021.

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 2020.

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
2020	17111

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: Certain Files Dealt with Solely by the Solicitors Division

	2020	%	2019	%	2018	%
District Court Prosecution Files	1110	24%	1265	22%	1097	19%
Appeals from District Court to Circuit Court	1270	27%	2871	50%	2948	51%
High Court Bail Applications	2133	46%	1448	25%	1559	27%
Judicial Review Applications	140	3%	168	3%	172	3%
TOTAL	**4653**	**100%**	**5752**	**100%**	**5776**	**100%**

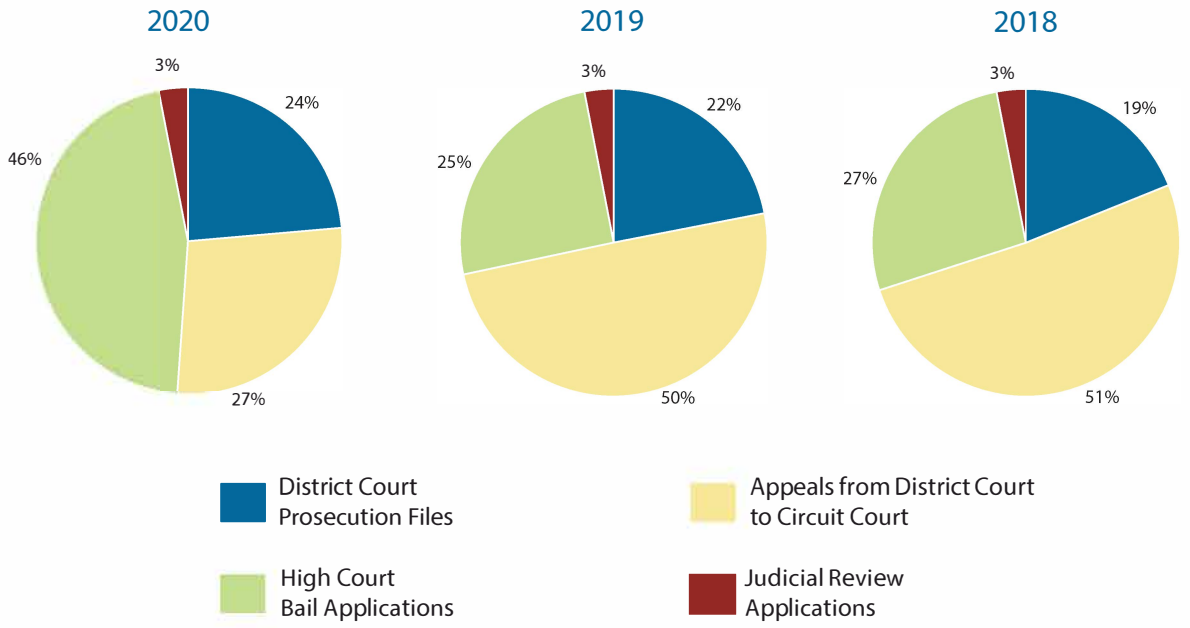
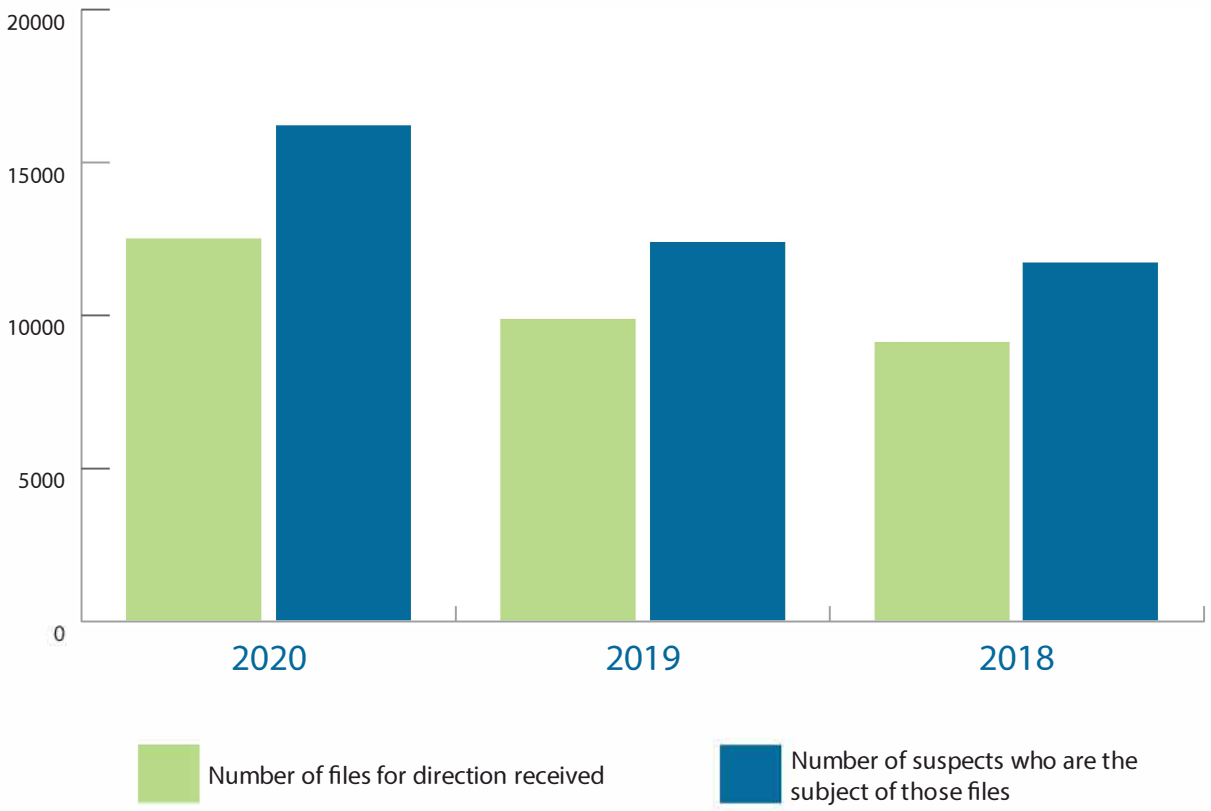


Chart 2.1.3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. This is because many files relate to more than one suspect. It is important,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

	2020	2019	2018
Files received for decision whether to prosecute	12458	9830	9072
Number of suspects who are the subject of those files	16158	12350	11675



The following chart shows a breakdown of the disposal of files received in the Directing Division in 2018, 2019 and 2020 (as of April 2021). 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.

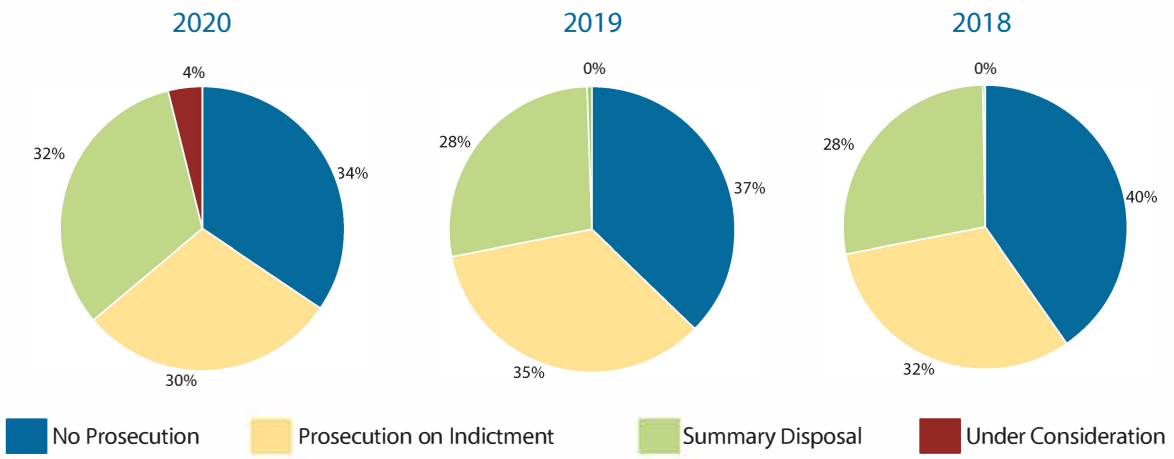
Summary Disposal: The offence is to be prosecuted in the District Court.

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 2018 and 2019 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	2020	%	2019	%	2018	%
No Prosecution Directed	5598	34%	4628	37%	4722	40%
Prosecution on Indictment Directed	4770	30%	4264	35%	3685	32%
Summary Disposal Directed	5177	32%	3415	28%	3260	28%
TOTAL OF FILES DISPOSED	**15545**	**96%**	**12307**	**100%**	**11667**	**100%**
Under Consideration	613	4%	43	0%	8	0%
TOTAL	**16158**	**100%**	**12350**	**100%**	**11675**	**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	2020	%	2019	%	2018	%
Insufficient Evidence	4427	79%	3622	78%	3626	77%
Injured Party Withdraws Complaint	473	8%	367	8%	308	6%
Public Interest	102	2%	87	2%	85	2%
Adult Caution	76	1%	71	1%	71	1%
Juvenile Diversion Programme	94	2%	42	1%	62	1%
Time Limit Expired	38	1%	33	1%	28	1%
Undue Delay	35	1%	35	1%	25	1%
Suspect Deceased	44	1%	24	1%	25	1%
Sympathetic Grounds	3	0%	2	0%	0	0%
Other	306	5%	345	7%	492	10%
TOTAL	**5598**		**4628**		**4722**	

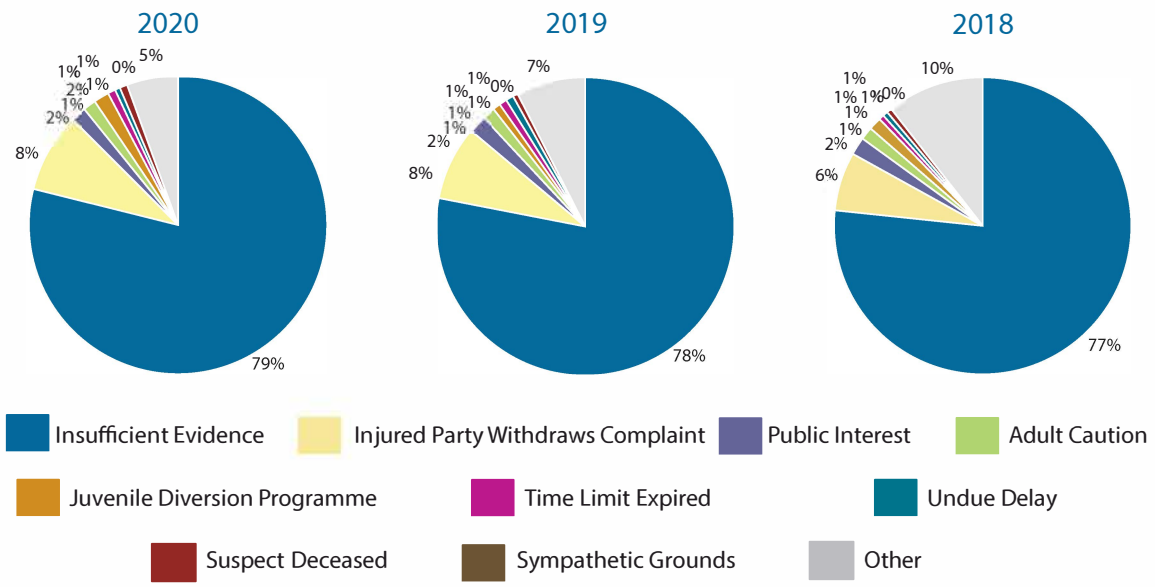


Chart 2.1.4b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'under consideration' (see 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 2020*	Population 2019*	Population 2018*	Population 2017*	Population 2016*	2020	2019	2018	2017	2016	2020	2019	2018	2017	2016	2018-2020	2017-2019	2016-2018
Carlow	58,298	58,799	58,057	57,489	56,932	32	38	37	50	42	0.54	0.65	0.64	0.87	0.74	0.61	0.72	0.75
Cavan	78,797	78,565	77,812	76,887	76,176	60	60	71	61	63	0.76	0.76	0.91	0.79	0.83	0.81	0.82	0.84
Clare	122,591	121,762	121,109	119,550	118,817	71	88	88	117	66	0.58	0.72	0.73	0.98	0.56	0.68	0.81	0.75
Cork	563,405	555,151	549,963	543,517	542,868	342	350	311	309	384	0.61	0.63	0.57	0.57	0.71	0.60	0.59	0.61
Donegal	164,669	164,185	162,610	160,677	159,192	88	93	67	59	74	0.53	0.57	0.41	0.37	0.46	0.50	0.45	0.41
Dublin	1,417,600	1,395,600	1,370,500	1,350,000	1,347,359	1,988	1,669	1,487	1,487	1,323	1.40	1.20	1.09	1.10	0.98	1.23	1.13	1.06
Galway	267,564	264,090	260,673	257,484	258,058	179	157	148	155	128	0.67	0.59	0.57	0.60	0.50	0.61	0.59	0.56
Kerry	153,295	151,049	149,637	147,883	147,707	106	96	83	74	91	0.69	0.64	0.55	0.50	0.62	0.63	0.56	0.56
Kildare	236,925	233,695	230,045	226,925	222,504	221	189	117	88	102	0.93	0.81	0.51	0.39	0.46	0.75	0.57	0.45
Kilkenny	103,355	102,485	101,192	100,203	99,232	64	67	52	71	68	0.62	0.65	0.51	0.71	0.69	0.60	0.63	0.64
Laois	88,087	88,348	87,334	86,088	84,697	86	63	79	71	47	0.98	0.71	0.90	0.82	0.55	0.86	0.81	0.76
Leitrim	33,146	33,049	32,732	32,343	32,044	17	14	22	14	9	0.51	0.42	0.67	0.43	0.28	0.54	0.51	0.46
Limerick	201,089	199,730	198,659	196,102	194,899	241	289	192	197	188	1.20	1.45	0.97	1.00	0.96	1.20	1.14	0.98
Longford	42,509	42,635	42,145	41,544	40,873	73	62	35	37	38	1.72	1.45	0.83	0.89	0.93	1.33	1.06	0.88
Louth	137,237	135,366	133,251	130,087	128,884	129	157	126	137	104	0.94	1.16	0.95	1.05	0.81	1.02	1.05	0.94
Mayo	135,314	133,557	131,829	130,216	130,507	81	78	65	86	72	0.60	0.58	0.49	0.66	0.55	0.56	0.58	0.57
Meath	207,684	204,853	201,653	198,920	195,044	115	82	74	105	105	0.55	0.40	0.37	0.53	0.54	0.44	0.43	0.48
Monaghan	63,498	63,311	62,704	61,959	61,386	55	54	41	30	39	0.87	0.85	0.65	0.48	0.64	0.79	0.66	0.59
Offaly	81,081	81,321	80,388	79,241	77,961	75	34	54	45	33	0.93	0.42	0.67	0.57	0.42	0.67	0.55	0.55
Roscommon	66,922	66,053	65,198	64,400	64,544	49	41	34	25	39	0.73	0.62	0.52	0.39	0.60	0.62	0.51	0.50
Sligo	67,790	67,590	66,942	66,147	65,535	50	38	38	31	44	0.74	0.56	0.57	0.47	0.67	0.62	0.53	0.57
Tipperary	164,621	163,509	162,632	160,857	159,553	121	119	148	128	122	0.74	0.73	0.91	0.80	0.76	0.79	0.81	0.82
Waterford	121,003	119,985	118,471	117,313	116,176	155	96	96	81	83	1.28	0.80	0.81	0.69	0.71	0.96	0.77	0.74
Westmeath	92,323	92,596	91,533	90,227	88,770	112	84	59	98	67	1.21	0.91	0.64	1.09	0.75	0.92	0.88	0.83
Wexford	155,943	154,631	152,680	151,186	149,722	179	151	89	75	81	1.15	0.98	0.58	0.50	0.54	0.90	0.69	0.54
Wicklow	151,655	149,588	147,251	145,255	142,425	80	91	70	64	68	0.53	0.61	0.48	0.44	0.48	0.54	0.51	0.46
TOTAL	**4,977,401**	**4,921,503**	**4,857,000**	**4,792,500**	**4,761,865**	**4,769**	**4260**	**3,683**	**3,696**	**3480**								

** Population figures for 2016 are taken from the census figures for that year. The 2017, 2018, 2019 & 2020 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 2017, 2018, 2019 & 2020*

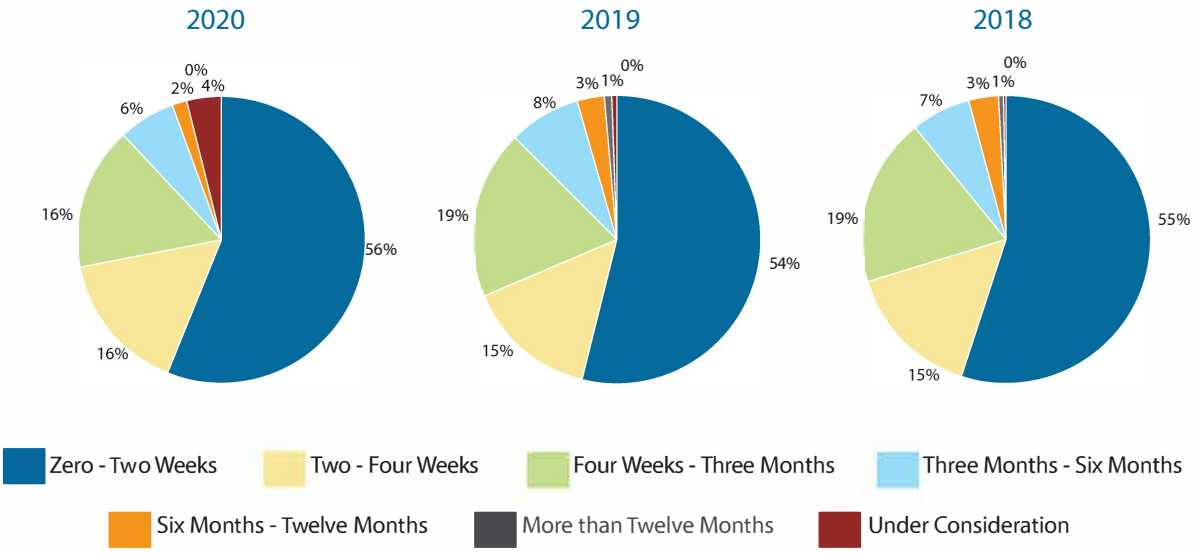
Chart 2.1.5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing 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	2020	%	2019	%	2018	%
Zero - Two Weeks	9090	56%	6667	54%	6451	55%
Two - Four Weeks	2573	16%	1826	15%	1778	15%
Four Weeks - Three Months	2579	16%	2315	19%	2187	19%
Three Months - Six Months	1027	6%	998	8%	801	7%
Six Months - Twelve Months	268	2%	379	3%	368	3%
More than Twelve Months	8	0%	122	1%	82	1%
TOTAL FILES DISPOSED	**15545**	**96%**	**12307**	100%	**11667**	100%
Under Consideration	613	4%	43	0%	8	0%
TOTAL	**16158**	100%	**12350**	100%	**11675**	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 2017 and 2019. 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 2017 to 2019 (as of April 2021). 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 2020 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	2019	%	2018	%	2017	%
Conviction	2040	48%	2418	66%	2761	75%
Acquittal	30	1%	94	2%	176	5%
Not Yet Heard	2150	50%	1071	29%	604	16%
Struck Out/Discontinued	44	1%	102	3%	155	4%
TOTAL	**4264**		**3685**		**3696**	

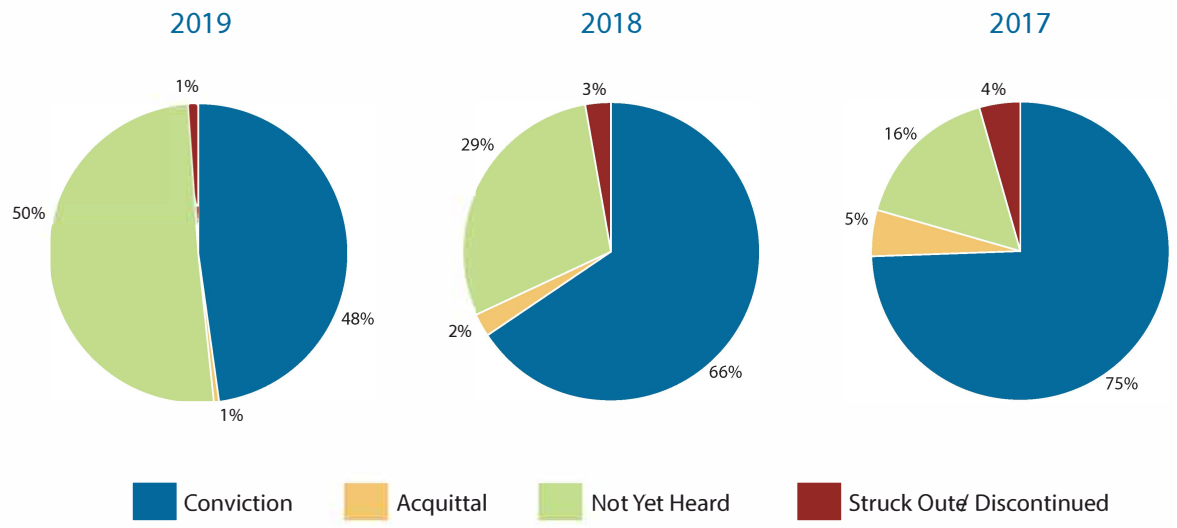


CHART 2.2.1a: Breakdown of Convictions and Acquittals (excluding cases still to be heard)

	2019	%	2018	%	2017	%
Conviction by Jury	34	2%	82	3%	152	5%
Conviction Following Plea of Guilty	2006	96%	2336	93%	2609	89%
TOTAL CONVICTIONS	**2040**	**98%**	**2418**	**96%**	**2761**	**94%**
Acquittal by Jury	15	1%	65	3%	127	4%
Acquittal on Direction of Judge	15	1%	29	1%	49	2%
TOTAL ACQUITTALS	**30**	**2%**	**94**	**4%**	**176**	**6%**
TOTAL	**2070**		**2512**		**2937**	

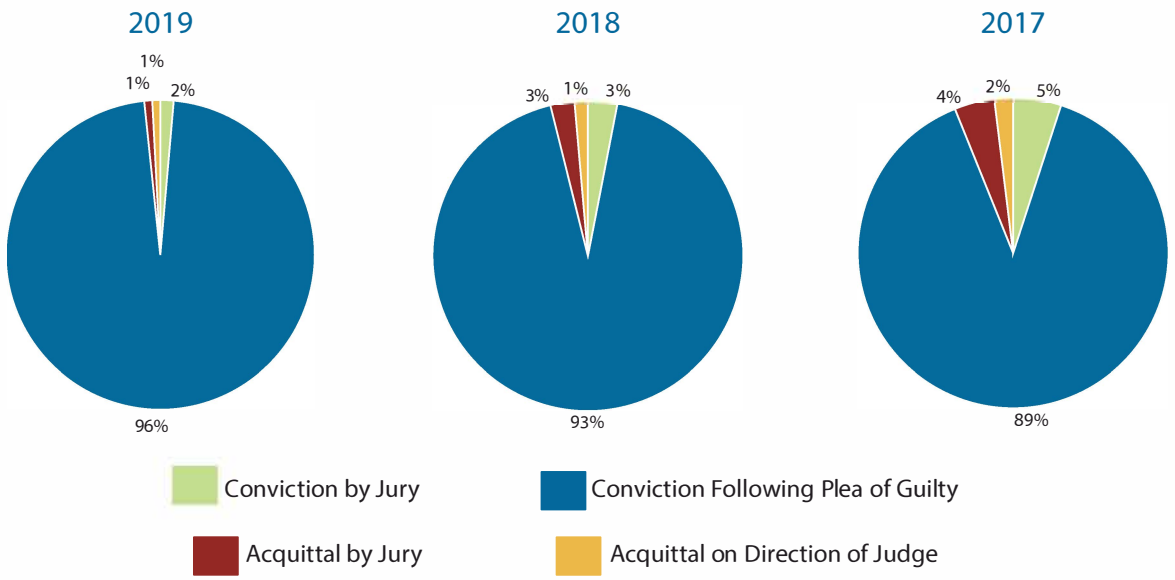


Chart 2.2.2 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. 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		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Fatal Accident at Work	7	12	11	0	0	0	2	4	4	0	0	3	0	0	0	0	0	2	5	8	2	0	0	0
Manslaughter	4	5	4	0	0	1	0	2	2	0	0	0	0	0	0	0	0	1	4	3	0	0	0	0
TOTAL - FATAL OFFENCES	**11**	**17**	**15**	**0**	**0**	**1**	**2**	**6**	**6**	**0**	**0**	**3**	**0**	**0**	**0**	**0**	**0**	**3**	**9**	**11**	**2**	**0**	**0**	**0**
Burglary	388	324	331	1	1	2	216	229	224	23	24	40	1	2	4	4	2	3	137	63	43	6	3	15
Fraud	50	50	43	0	0	1	16	31	28	7	1	3	0	0	0	0	0	0	27	18	10	0	0	1
Robbery	348	335	341	3	4	3	208	227	282	17	10	17	1	1	1	1	2	0	116	82	30	2	9	8
Theft	233	214	226	1	4	2	121	138	159	8	8	6	0	0	0	0	1	3	101	57	48	2	6	8
Other Offences Against Property	432	352	292	0	4	9	194	209	196	19	21	24	0	2	5	2	2	3	211	101	41	6	13	14
TOTAL - OFFENCES AGAINST PROPERTY	**1451**	**1275**	**1233**	**5**	**13**	**17**	**755**	**834**	**889**	**74**	**64**	**90**	**2**	**5**	**10**	**7**	**7**	**9**	**592**	**321**	**172**	**16**	**31**	**46**
Dangerous Driving Causing Death	20	23	26	0	2	0	11	13	17	0	0	5	0	0	1	1	0	0	8	7	3	0	1	0
Unauthorised Taking of Motor Vehicles	17	22	18	1	0	0	9	14	10	1	1	5	0	0	0	0	0	0	6	7	3	0	0	0
Other Road Traffic Offences	84	69	85	0	0	6	30	30	39	14	6	12	0	5	6	0	1	0	39	27	20	1	0	2
TOTAL - ROAD TRAFFIC OFFENCES	**121**	**114**	**129**	**1**	**2**	**6**	**50**	**57**	**66**	**15**	**7**	**22**	**0**	**5**	**7**	**1**	**1**	**0**	**53**	**41**	**26**	**1**	**1**	**2**
Sexual Assault	157	144	128	1	7	15	26	46	48	3	5	2	2	7	17	0	3	6	124	69	34	1	7	6
Child Pornography	71	68	69	0	0	1	37	49	49	4	4	10	0	0	0	0	0	0	27	12	6	3	3	3
Indecent Assault	52	44	41	0	2	10	11	8	11	0	1	0	0	0	3	2	1	1	39	29	13	0	3	3
Offences Against Children & Protected Persons	30	19	19	1	1	0	12	8	11	0	0	0	0	0	0	0	0	1	17	10	5	0	0	2
Other Sexual Offences	26	22	13	0	0	0	8	11	6	0	0	0	0	0	0	0	0	0	17	11	6	1	0	1
TOTAL - SEXUAL OFFENCES	**336**	**297**	**270**	**2**	**10**	**26**	**94**	**122**	**125**	**7**	**10**	**12**	**2**	**7**	**20**	**2**	**4**	**8**	**224**	**131**	**64**	**5**	**13**	**15**
Drug Offences	712	540	534	1	2	0	308	400	386	149	45	66	1	1	3	0	0	0	249	89	71	4	3	8
Firearms and Explosives Offences	149	104	128	2	2	4	60	54	72	13	13	21	0	4	5	0	1	2	71	26	20	3	4	4
Non Fatal Offences Against the Person	909	857	813	5	11	24	300	439	465	52	77	86	9	33	55	2	14	18	531	251	124	10	32	41
Public Order Offences	248	209	281	0	3	3	57	100	135	11	27	54	0	0	9	0	0	4	179	76	55	1	3	21
Revenue Offences	22	23	21	0	0	1	5	16	14	0	0	0	0	0	1	0	0	0	17	7	5	0	0	0
Sea Fisheries	21	4	6	0	1	0	4	2	2	0	0	0	0	0	0	0	0	0	16	1	3	1	0	1
Other Offences	86	64	85	1	1	5	27	27	42	3	5	8	1	3	3	1	0	3	52	26	20	1	2	4
GRAND TOTAL	**4066**	**3504**	**3515**	**17**	**45**	**87**	**1662**	**2057**	**2202**	**324**	**248**	**362**	**15**	**58**	**113**	**13**	**27**	**47**	**1993**	**980**	**562**	**42**	**89**	**142**

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

	2019	2018	2017
Nolle Prosequi Entered	36	79	125
Struck Out	0	1	1
Taken into Consideration	0	0	3
Successful Application to Dismiss Charges	1	2	1
Case Terminated and no Retrial	0	1	2
Jury Discharged and Permanent Stay on Indictment	0	0	0
Case withdrawn Without Prejudice to State	0	0	1
Case initiated in Another Jurisdiction for Same offence	0	0	1
Suspect Deceased	4	2	2
Suspect Unfit to Plead	0	0	3
Not Guilty by Reason of Insanity	1	4	3
TOTAL	**42**	**89**	**142**

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

	TOTAL			Percentage of Convictions		
	2019	2018	2017	2019	2018	2017
Fatal Accident at Work	2	4	9	100%	100%	78%
Manslaughter	0	2	4	N/A	100%	75%
TOTAL - FATAL OFFENCES	**2**	**6**	**13**	100%	100%	77%
Burglary	245	258	273	98%	98%	97%
Fraud	23	32	32	100%	100%	100%
Robbery	230	244	303	99%	99%	100%
Theft	130	151	170	100%	99%	98%
Other Offences Against Property	215	238	237	99%	98%	97%
TOTAL - OFFENCES AGAINST PROPERTY	**843**	**923**	**1015**	**99%**	**99%**	**98%**
Dangerous Driving Causing Death	12	15	23	92%	100%	96%
Unauthorised Taking of Motor Vehicles	11	15	15	100%	100%	100%
Other Road Traffic Offences	44	42	63	100%	86%	90%
TOTAL - ROAD TRAFFIC OFFENCES	**67**	**72**	**101**	**99%**	**92%**	**93%**
Sexual Assault	32	68	88	94%	85%	74%
Child Pornography	41	53	60	100%	100%	100%
Indecent Assault	13	12	25	85%	92%	84%
Offences against Children & Protected Persons	13	9	12	100%	100%	92%
Other Sexual Offences	8	11	6	100%	100%	100%
TOTAL - SEXUAL OFFENCES	**107**	**153**	**191**	**96%**	**93%**	**85%**
Drug Offences	459	448	455	100%	100%	99%
Firearms and Explosives Offences	75	74	104	100%	93%	93%
Non Fatal Offences Against the Person	368	574	648	97%	92%	89%
Public Order Offences	68	130	205	100%	100%	94%
Sea Fisheries	5	16	16	100%	100%	94%
Revenue Offences	4	3	2	100%	100%	100%
Other Offences	33	36	61	94%	92%	90%
GRAND TOTAL	**2031**	**2435**	**2811**	**99%**	**97%**	**94%**

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			For Hearing		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Assisting an Offender	1	0	3	1	0	0	0	0	3	0	0	0	0	0	0	0	0	0
Attempted Murder	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Conspiracy to Murder	0	11	3	0	1	0	0	4	1	0	5	2	0	0	0	0	1	0
Criminal Damage	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Directing a Criminal Organisation	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Enhancing the Activities of a Criminal Organisation	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
False Imprisonment	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5	2	0
Firearms and Explosives Offences	7	8	10	1	2	0	5	6	8	0	0	2	1	0	0	0	0	0
Membership of Unlawful Organisation	2	0	3	0	0	2	1	0	1	0	0	0	0	0	0	1	0	0
Moneylaundering	5	3	0	0	0	0	0	3	0	0	0	0	0	0	0	5	0	0
Murder	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Participating in Organised Crime	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
TOTAL	**26**	**25**	**25**	**3**	**3**	**2**	**6**	**13**	**13**	**0**	**5**	**5**	**1**	**0**	**0**	**16**	**4**	**5**

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		
		2019	2018	2017	2019	2018	2017	2019	2018	2017
Murder	Participating in Organised Crime	0	0	1	0	0	0	0	0	1
Conspiracy to Murder	Firearms and Explosives Offences	0	0	2	0	0	0	0	0	2
	Directing a Criminal Organisation	0	1	0	0	0	0	0	1	0
	Participating in Organised Crime	0	4	0	0	0	0	0	4	0
Firearms and Explosives Offences	Misuse of Drugs Offence	0	0	1	0	0	1	0	0	0
	Providing Assistance to an Illegal Organisation	0	0	1	0	0	0	0	0	1
TOTAL		**0**	**5**	**5**	**0**	**0**	**1**	**0**	**5**	**4**

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

	TOTAL			Percentage of Convictions		
	2019	2018	2017	2019	2018	2017
Assisting an Offender	1	0	3	100%	N/A	100%
Attempted Murder	1	0	0	100%	N/A	N/A
Conspiracy to Murder	0	10	3	N/A	100%	100%
Criminal Damage	0	0	0	N/A	N/A	N/A
Directing a Criminal Organisation	0	0	0	N/A	N/A	N/A
Enhancing the Activities of a Criminal Organisation	0	0	0	N/A	N/A	N/A
False Imprisonment	0	0	0	N/A	N/A	N/A
Firearms and Explosives Offences	7	8	10	86%	100%	100%
Membership of Unlawful Organisation	1	0	3	100%	N/A	100%
Moneylaundering	0	3	0	N/A	100%	N/A
Murder	0	0	1	N/A	N/A	100%
Participating in Organised Crime	0	0	0	N/A	N/A	N/A
TOTAL	**10**	**21**	**20**	**90%**	**100%**	**100%**

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		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Murder	33	33	26	2	7	11	2	0	5	2	7	4	0	2	2	0	0	0	0	6	1	27	11	3
Attempted Murder	10	3	4	0	0	1	0	0	2	4	1	0	0	1	1	0	0	0	0	0	0	6	1	0
Rape	117	108	118	2	10	26	11	16	26	2	4	10	0	4	11	1	2	2	2	6	12	99	66	31
Attempted Rape	2	2	3	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1	0	2
Aggravated Sexual Assault	7	1	1	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	1
Assisting an Offender	1	0	4	0	0	3	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
False Imprisonment	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Sexual Assault	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0
Trafficking a Child for the Purposes of Sexual Exploitation	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
TOTAL CASES	**172**	**156**	**156**	**4**	**18**	**41**	**16**	**17**	**34**	**8**	**12**	**15**	**0**	**7**	**14**	**1**	**2**	**2**	**2**	**13**	**13**	**141**	**87**	**37**

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

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2019	2018	2017	2019	2018	2017	2019	2018	2017
Murder	Manslaughter	2	7	4	2	5	2	0	2	2
Attempted Murder	Participation in Organised Crime	1	0	0	0	0	0	1	0	0
Attempted Murder	Threat to Kill	1	0	0	1	0	0	0	0	0
Attempted Murder	Assault Causing Serious Harm	2	1	0	0	0	0	2	1	0
Rape	Defilement	0	2	5	0	1	0	0	1	5
Rape	Possession of Child Pornography	1	0	0	0	0	0	1	0	0
Rape	Sexual Assault	1	2	3	0	1	2	1	1	1
Rape	Sexual Exploitation of a Child	0	0	1	0	0	0	0	0	1
Rape	Indecent Assault	0	0	1	0	0	0	0	0	1
Attempted Rape	Threat to Kill	0	0	1	0	0	0	0	0	1
TOTAL		**8**	**12**	**15**	**3**	**7**	**4**	**5**	**5**	**11**

CHART 2.2.4b: Breakdown of 'Other Disposals'

	2019	2018	2017
Nolle prosequi entered	2	7	10
Suspect Unfit to Plead	0	1	0
Suspect Deceased	0	0	2
Struck Out	0	1	0
Not Guilty by Reason of Insanity	0	4	1
TOTAL	**2**	**13**	**13**

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		
	2019	2018	2017	2019	2018	2017
Murder	6	16	22	100%	88%	91%
Attempted Murder	4	2	4	100%	50%	75%
Rape	16	36	75	94%	83%	83%
Attempted Rape	1	1	1	100%	100%	100%
Aggravated Sexual Assault	2	1	0	100%	100%	N/A
Assisting an Offender	0	0	4	N/A	N/A	100%
False Imprisonment	0	0	0	N/A	N/A	N/A
Sexual Assault	0	0	0	N/A	N/A	N/A
Trafficking a Child for the Purposes of Sexual Exploitation	0	0	0	N/A	N/A	N/A
TOTAL	**29**	**56**	**106**	**97%**	**84%**	**85%**

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

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge		
	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017	2019	2018	2017
Carlow	13	28	38	0	0	2	13	25	29	0	2	3	0	1	4	0	0	0
Cavan	21	48	50	0	0	1	17	34	42	4	13	7	0	1	0	0	0	0
Clare	29	56	101	0	1	2	27	51	88	2	4	8	0	0	2	0	0	1
Cork	211	259	252	2	10	9	174	220	204	23	10	20	2	11	9	10	8	10
Donegal	32	39	44	0	1	2	27	33	33	5	3	6	0	2	0	0	0	3
Dublin	914	1002	1117	3	6	16	720	874	890	185	113	171	5	5	33	1	4	7
Galway	24	66	113	0	1	2	23	54	81	1	9	27	0	2	3	0	0	0
Kerry	40	42	58	1	3	2	37	38	49	1	1	3	0	0	2	1	0	2
Kildare	86	91	68	0	0	5	65	68	46	19	12	11	2	8	5	0	3	1
Kilkenny	43	38	63	0	0	3	37	32	52	6	5	4	0	0	4	0	1	0
Laois	34	42	50	0	1	2	31	29	38	2	6	8	1	1	2	0	5	0
Leitrim	3	10	11	0	0	1	3	8	6	0	1	3	0	0	1	0	1	0
Limerick	115	99	136	1	1	3	102	89	115	12	9	13	0	0	4	0	0	1
Longford	23	20	29	1	0	3	19	18	20	3	2	5	0	0	0	0	0	1
Louth	67	77	91	0	2	3	57	63	70	10	5	10	0	6	7	0	1	1
Mayo	33	45	62	0	2	5	31	36	43	2	4	10	0	2	2	0	1	2
Meath	45	51	75	0	0	2	34	47	52	11	4	9	0	0	7	0	0	5
Monaghan	4	14	16	0	0	0	4	13	15	0	1	1	0	0	0	0	0	0
Offaly	14	43	38	0	0	2	12	34	28	2	7	6	0	0	1	0	2	1
Roscommon	26	29	19	1	3	2	23	25	12	2	1	3	0	0	2	0	0	0
Sligo	28	27	25	0	1	0	23	23	20	5	2	1	0	1	2	0	0	2
Tipperary	58	105	112	1	2	8	49	70	76	7	24	18	0	6	4	1	3	6
Waterford	51	78	70	0	5	3	45	66	58	5	3	4	1	4	5	0	0	0
Westmeath	25	38	68	2	0	0	15	34	63	6	1	2	1	2	2	1	1	1
Wexford	58	49	56	2	4	5	51	39	37	4	3	7	0	3	6	1	0	1
Wicklow	34	39	49	0	0	1	26	36	38	7	3	2	1	0	3	0	0	5
TOTAL	**2031**	**2435**	**2811**	**14**	**43**	**84**	**1665**	**2059**	**2205**	**324**	**248**	**362**	**13**	**55**	**110**	**15**	**30**	**50**

CHART 2.2.5a: Total Cases Finalised and Percentage of Convictions

	TOTAL			Percentage of Convictions		
	2019	2018	2017	2019	2018	2017
Carlow	13	28	38	100%	96%	89%
Cavan	21	48	50	100%	98%	100%
Clare	29	56	101	100%	100%	97%
Cork	211	259	252	94%	93%	92%
Donegal	32	39	44	100%	95%	93%
Dublin	914	1002	1117	99%	99%	96%
Galway	24	66	113	100%	97%	97%
Kerry	40	42	58	98%	100%	93%
Kildare	86	91	68	98%	88%	91%
Kilkenny	43	38	63	100%	97%	94%
Laois	34	42	50	97%	86%	96%
Leitrim	3	10	11	100%	90%	91%
Limerick	115	99	136	100%	100%	96%
Longford	23	20	29	100%	100%	97%
Louth	67	77	91	100%	91%	91%
Mayo	33	45	62	100%	93%	94%
Meath	45	51	75	100%	100%	84%
Monaghan	4	14	16	100%	100%	100%
Offaly	14	43	38	100%	95%	95%
Roscommon	26	29	19	100%	100%	89%
Sligo	28	27	25	100%	96%	84%
Tipperary	58	105	112	98%	91%	91%
Waterford	51	78	70	98%	95%	93%
Westmeath	25	38	68	92%	92%	96%
Wexford	58	49	56	98%	94%	88%
Wicklow	34	39	49	97%	100%	84%
TOTAL	**2031**	**2435**	**2811**	**99%**	**97%**	**94%**

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.

Chart 2.3.1 below details the number of appeals lodged each year from 2016 to 2020. 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)

Year	Appeal by DPP	Severity of Sentence	Conviction	Conviction and Severity	Refusal of Bail	Miscarriage of Justice Applications	TOTAL CASES
2016	64	164	45	59	0	2	**334**
2017	52	148	41	52	0	1	**294**
2018	57	176	45	50	0	1	**329**
2019	49	163	35	48	1	2	**298**
2020	30	162	31	39	18	3	**283**
TOTAL	**252**	**813**	**197**	**248**	**19**	**9**	**1,538**

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
2011	54
2012	22
2013	32
2014	33
2015	38
2016	62
2017	51
2018	53
2019	48
2020	26

CHART 2.3.2a: Results of Applications by Year Heard

Year of Application Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2011	14	9	5	**28**
2012	12	12	3	**27**
2013	16	6	4	**26**
2014	16	16	2	**34**
2015	37	11	5	**53**
2016	18	19	10	**47**
2017	34	20	1	**55**
2018	46	14	3	**63**
2019	31	14	0	**45**
2020	34	13	3	**50**

CONFISCATION AND FORFEITURE OF CRIMINAL ASSETS

The Criminal Justice Act 1994 includes important provisions to freeze or seize the proceeds of crime. The Office of the DPP initiates such applications and 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 2020 is set out in Chart 2.3.3 below.

CHART 2.3.3: Asset Seizing Files Opened in 2020

Asset Seizing Files Opened 2020	
Section 39 Forfeiture Order Applications (Revenue and Gardaí)	52
Section 9 Confiscation Order Applications	1
Section 4 Confiscation Order Applications	1
Section 24 Freezing Order Applications	7
TOTAL	**61**

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 9 Confiscation Orders: Section 9 of the Act allows the confiscation, on conviction, of the benefit an accused person has gained from any indictable offence other than drug trafficking offences. An inquiry may be held by the Circuit Court into the benefit gained after the person is sentenced. The Prosecution must prove that benefit generated is directly related to the offence with which the accused is charged.

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.

Details of Confiscation and Forfeiture Orders granted by the courts in 2020, to a total value of €2,292,465.53, are outlined in chart 2.3.3a below.

CHART 2.3.3a: Confiscation of Criminal Assets in 2020

Orders	Number	Amount
Section 39 Forfeiture Orders (Revenue and Gardaí)	39	€598, 270.00
Section 61 Forfeiture Orders	2	€203,753.91
Section 4 Confiscation Orders	3	€1, 484,821.62
Section 9 Confiscation Orders	1	€5,620.00
TOTAL	**45**	**€2,292,465.53**

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. 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 and Australia. Additionally, Ireland has ratified the European Convention on Extradition (Paris 1957).

In 2020, the Office of the Director of Public Prosecutions received ten files from An Garda Síochána seeking the completion and issue of Extradition Requests.

Chart 2.4.1 below details the number of Extradition Requests issued in 2020, 2019 and 2018 and the countries to which those requests were transmitted.

CHART 2.4.1: Number of Extradition Requests Issued

Country Request Transmitted to:	2020	2019	2018
Australia	-	-	2
Iceland	-	1	-
Jersey	-	1	-
Turkey	-	1	-
United States	1	-	3
TOTAL	**1**	**3**	**5**

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 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 2018, 2019 and 2020. 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. During 2020, European Arrest Warrants issued as normal to the United Kingdom under the BREXIT transitional arrangements. On 31 December 2020, the surrender procedures in the Trade and Co-operation Agreement came into effect.

CHART 2.4.2: European Arrest Warrants

Year	EAW Files Received from Gardaí	EAWs Issued	Persons Surrendered
2018	89	103	54
2019	91	87	35
2020	179	163	27

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, 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 2020, 2019 and 2018.

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

	2020	2019	2018
Number of Requests	873	602	559

CHART 2.5.2: Breakdown of countries to which mutual legal assistance requests were issued by this Office in 2020

Country	2020
EU Member States	241
United Kingdom	214
United States of America	266
Canada	10
Other	83
TOTAL	**814**

PART 3:
Legal Developments

3.1 Legal Developments 2020

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 2020, 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.

POWER OF ARREST
(Appeal by Case Stated)

***DPP v. Bradley*, IEHC 466 (Meenan J, 30 July 2020)**

3.1.2 The High Court held that the Gardaí are not required to state in evidence in court what statutory power of arrest was being used when arresting a person (the respondent) for offences contrary to sections 6 and 8 of the Criminal Justice (Public Order) Act 1994. The respondent had been informed of the reason for her arrest.

BENCH WARRANT
(Judicial Review)

***Nicole Daly v. DPP*, IEHC 2 (Simons J, 14 January 2020)**

3.1.3 The District Court judge had jurisdiction to issue a bench warrant for an applicant who had been charged and granted station bail to appear in court for a period which was outside the 30-day remand limit, but then failed to appear. Jurisdiction was conferred on the court on the date the case came before the judge and the complaint was made.

CHANGE OF PLEA / ALTERNATIVE REMEDY (Judicial Review)

***O'Callaghan v. DPP*, IEHC 463 (Simons J, 12 October 2020)**

***K v. DPP*, IEHC 542 (Simons J, 4 December 2020)**

***Andrew Long v. DPP*, IEHC 631 (Simons J, 8 December 2020)**

3.1.4 All three cases concerned a refusal of the Judge of the Circuit Court to change a plea of guilty to not guilty. The High Court held in all three cases that judicial review was not the appropriate remedy. The applicant had the option of appealing the refusal to the Court of Appeal (Criminal) as an alternative remedy to judicial review.

DELAY - JUVENILE
(Judicial Review)

***DPPiv. LE*, IECA 101 (Birmingham P, 15 April 2020)**

3.1.5 The Court of Appeal upheld an earlier decision of the High Court refusing to prohibit the appellant's trial on delay grounds. The Court held that the High Court was correct to find that there was no blameworthy prosecutorial delay. Also, while the loss of the protection of anonymity (due to the appellant no longer being a child) was significant, it was necessary to balance that against the seriousness of the case. The charges were threats to kill and assault.

DELAY – IN SEEKING JUDICIAL REVIEW
(Judicial Review)

***Connell v. Governor of Dochas*, IEHC 341 (Simons J, 27 July 2020)**

3.1.6 An application to apply for an extension of time to issue and serve a notice of motion in two sets of judicial review proceedings was refused

by the High Court, as this was the second time that an extension had been sought. The Court's view was that there needed to be discipline in legal proceedings and compliance with the Rules of the Superior Courts.

DNA DATABASE
(Consultative Case Stated)

***DPP v. Maher*, IEHC 231 (Meenan J, 3 March 2020)**

3.1.7 The High Court held that prior to the enactment of the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014 it was not lawful to generate, retain and/or enter a pre-2014 DNA profile onto an "intermediate database" created by Forensic Science Ireland, and then subsequently move the data across to the new 2014 DNA database.

DOMESTIC VIOLENCE (Undue Leniency)

***DPP v. Connor*, IECA 255 (Ní Raifeartaigh J, 28 September 2020)**

3.1.8 The Court of Appeal overturned a wholly suspended sentence for assault, false imprisonment and production of a knife, and substituted it with a new sentence of two and half years with the final year suspended. The Court commented that an offence of this nature, where the victim was attacked in her home by her partner, would normally attract a sentence with a custodial component as a message of general deterrence.

DRINK DRIVING – COPY OF A CERTIFICATE / DOCUMENT
(Consultative Case Stated)

***DPP v. McGrath*, IECA 103 (Birmingham P, 16 April 2020)**

3.1.9 The evidential presumption of validity under section 20(1) of the Road Traffic Act 2010 applies to a photocopied version of the original section 13 statement where the original is not available. The section 13 statement being the statement printed out by the breath testing machine. In this case, the original section 13 statement had been mislaid at the District Court trial. Both the High Court and Court of Appeal held that a copy of the certificate could be used in the hearing.

DRINK DRIVING - CALIBRATION OF ROADSIDE BREATH TEST DEVICE
(Consultative Case Stated)

***DPP v. McGuigan*, IEHC 58 (Hyland J, 6 February 2020)**

3.1.10 In a prosecution for drink driving the arresting Garda is not required to give positive evidence that the preliminary breath test device (known as the Drager Alcotest 6510) was calibrated when establishing the formation of the opinion to arrest the respondent on suspicion of drink driving. This is a matter to be raised by the defence in cross-examination if required.

DRUG DRIVING - PRELIMINARY IMPAIRMENT TESTING - BLOOD SAMPLING (Consultative Case Stated)

***DPP v. Clyne*, IECA 263 (Ní Raifeartaigh J, 30 September 2020)**

3.1.11 This was a consultative case stated from the Circuit Court to the Court of Appeal in a drug driving prosecution. The Court answered "yes" to the following question posed:

> "In order for a member of the Garda Síochána lawfully to require an arrested person to permit a registered doctor or a registered nurse to take a specimen of the person's blood under section 13B(1)(c) of the Road Traffic Act 2010, as inserted by section 13 of the Road Traffic Act 2016, is it sufficient for the member to have carried out any one of the tests specified in paragraphs (a), (b) and (c) of the said section 13B(1)?"

EXCLUSIONARY RULE
(Conviction Appeal)

***DPP v. Byrne, Farrelly and Byrne*, IECA 108 (Birmingham P, 20 April 2020)**

3.1.12 The Court of Appeal held that the trial judge was entitled to admit mobile phone evidence obtained due to an inadvertent breach of the appellant's constitutional rights. The trial

judge was entitled to exercise her discretion to admit the evidence, having first sought guidance from the principles contained in the Supreme Court case of *JC* which dealt with the exclusionary rule.

HABEAS CORPUS PROCEDURE
(Article 40)

***Ryan v. Governor of Mountjoy Prison,* IESC 8 (Dunne J, 19 March 2020)**

3.1.13 The Supreme Court held that when the High Court has initiated an inquiry into the lawfulness of a person's detention under Article 40.4.2 of the Constitution, it must proceed to carry out the inquiry and cannot dismiss it on the basis of abuse of process by the applicant.

INTERPRETATION RIGHTS
(Consultative Case Stated)

***DPP v. Malai,* IECA 304 (Ní Raifeartaigh J, 11 November 2020)**

3.1.14 The Circuit Court Judge (hearing District Court Appeals) stated a case to the Court of Appeal having held that there were breaches of the treatment of persons in custody Regulations regarding the provision of an interpreter to the respondent. He queried whether those breaches rendered the detention unlawful and the evidence gleaned thereafter inadmissible. The Court of Appeal held that his detention had not been unlawful and the trial judge had discretion and was entitled to admit into evidence the breath sample which the respondent had provided when arrested for a drink driving offence. They held that there was no causal link between the breaches of the Regulations and the obtaining of the breath specimen.

JUDGES' RULES – EFFECT OF A BREACH
(Consultative Case Stated)

***DPP v. Khalael,* IEHC 33 (Simons J, 31 January 2020)**

3.1.15 The District Court judge had discretion to admit into evidence oral admission of driving made to a garda despite there being a breach of Rule 9 of the Judges' Rules. Rule 9 requires that statements, whenever possible, should be taken down in writing and signed by the suspect after it has been read over to him. In this case, the Garda, after caution, wrote down the statement of admission of driving in his notebook, but did not ask the accused to sign it.

LEGAL AID
(Judicial Review)

***Cully v. DPP,* IEHC 438 (Meenan J, 25 May 2020)**

3.1.16 Assignment of legal aid in District Court proceedings was quashed in circumstances where the applicant had not applied for legal aid in relation to particular charge sheets. An applicant must apply for a legal aid certificate before it can be granted by a Court.

LEGAL AID CUSTODY ISSUES SCHEME
(Article 34 Appeal)

***O'Shea v. Legal Aid Board,* IESC 51 (Baker J, 31 July 2020)**

3.1.17 A recommendation by the High Court that costs be paid by the Legal Aid Board, in a case where the proceedings were covered by the Legal Aid - Custody Issues Scheme, did not amount to an order that the Board was bound to follow. The Court did however note that a recommendation is a weighty and valuable one which should be considered in a rational and lawful manner.

DOCTOR'S MEDICAL CERTIFICATE
(Section 34 Criminal Procedure Act, 1967, Appeal)

***DPP v. AC,* IECA 362 (Birmingham P, 21 December 2020)**

3.1.18 The respondent had been charged in the Circuit Court with section 3 Non-Fatal Offences Against the Person Act 1997 - assault causing harm. The trial judge ruled that the prosecution could not adduce the medical evidence under section 25 of the 1997 Act in circumstances where the author of the certificate was not the doctor who examined the complainant. The Director appealed the ruling. The Court of Appeal held that there was no statutory provision which required

that for a section 25 medical certificate to be admissible, it had to be written by the practitioner who had examined the complainant. All that is required is that it relates to an examination of an injured party.

MISSING EVIDENCE (Consultative Case Stated)

***DPP v. Doyle*, IEHC 120 (Gearty J, 6 March 2020)**

3.1.19 An application for dismissal of dangerous driving charges, on the basis of a missing portion of CCTV evidence, was refused. The District Court judge stated a case to the High Court at the request of the accused. The applicant had argued that the accidental deletion of some CCTV footage would prejudice her. The High Court held that the District Court judge was correct to find that the missing footage did not mean that the applicant would not get a fair trial.

GARDA POWER OF ENTRY TO DWELLING (Appeal by Case Stated)

***DPP v. Philip O'Brien*, IEHC 110 (Meenan J, 6 February 2020)**

3.1.20 The High Court held that the Gardaí did not have a common law power to enter the respondent's dwelling home to arrest him on suspicion of committing the offence of breach of the peace contrary to common law.

PUBLIC INDECENCY (Judicial Review)

***Bita v. DPP*, IECA 69 (Donnelly J, 13 March 2020)**

3.1.21 The Court of Appeal upheld an earlier decision of the High Court which upheld the constitutionality of the offence of public indecency contrary to section 5 of the Summary Jurisdiction (Ireland) Amendment Act 1871. The court held that the offence as described by the statute was not vague or unclear.

RETENTION OF MOBILE PHONE DATA (Preliminary Reference to CJEU)

***Dwyer v. Commissioner of An Garda Síochána*, IESC 4 (Clarke CJ, 24 February 2020)**

3.1.22 The Supreme Court has referred this case to the Court of Justice of the European Union (CJEU). The CJEU has been asked to consider the validity of sections of the Communications (Retention of Data) Act 2011 having regard to EU law. The Act deals in part with the retention of, and Garda access to, mobile telephone metadata.

SEARCH WARRANT (Section 23 Criminal Procedure Act, 2010 Appeal)

***DPP v. AB*, IECA 162 (Donnelly J, 28 January 2020)**

3.1.23 The Court allowed the Director's appeal against a ruling by a trial judge who had directed the jury to acquit the accused after previously ruling that evidence obtained on foot of a search warrant was inadmissible. The Court of Appeal held that the search warrant was valid and contained an adequate description of the premises to be searched.

SENTENCING (Judicial Review)

***DPP v. Fitzgerald*, IEHC 476 (Meenan J, 18 September 2020)**

3.1.24 The District Court had no jurisdiction to strike out particular tax offences after a plea of guilty had been entered, as the legislation specifically provided for a scheme of mandatory penalties upon conviction which excluded the application of the Probation of Offenders Act 1907.

SUFFICIENCY OF EVIDENCE (Judicial Review)

***Tracey v. O'Donnell*, IESC 19 (MacMenamin J, 30 April 2020)**

3.1.25 Save in extreme circumstances, insufficiency of evidence in a District Court prosecution is a matter for a District Court Appeal and not one for judicial review.

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 (SOU). 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 SOU commenced operations on a phased basis in April 2021 taking on an existing case load from ongoing trials before the Central Criminal Court and Dublin Circuit Court, as well as taking in new files for consideration for prosecution.

The operational experience of the SOU 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's 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 2020, 2019 and 2018 and the categories of offences which were the subject of those requests.

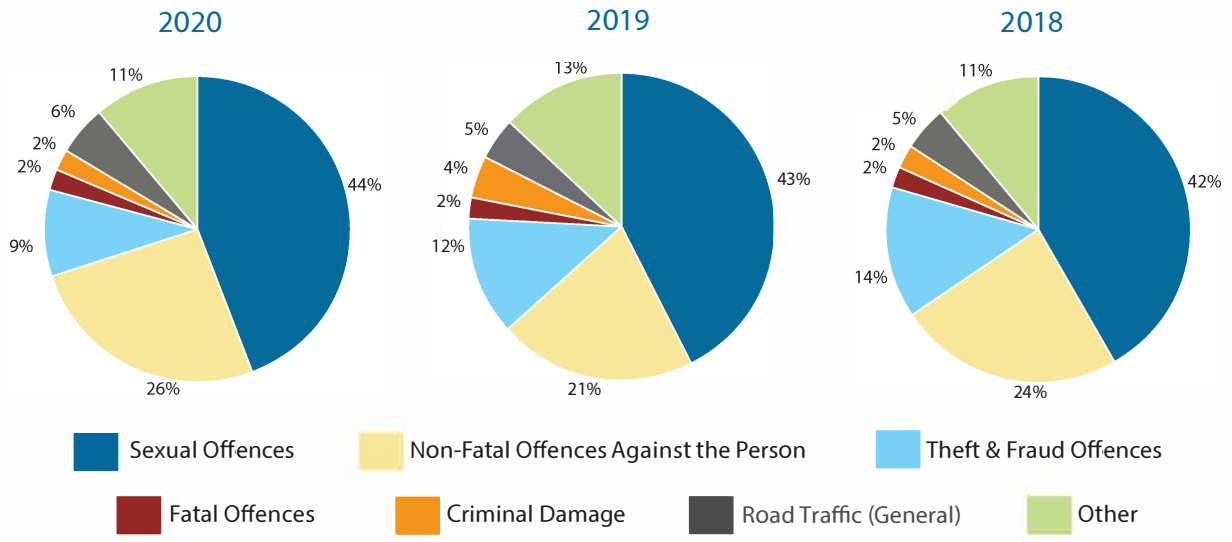
CHART 3.2.1 Requests for summary of reasons

	2020	2019	2018
Reasons given	670	613	583
Reasons refused	28	30	37
Pending	0	1	0
TOTAL requests for reasons received	**698**	**644**	**620**

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	2020	2019	2018
Sexual Offences	310	274	259
Non Fatal Offences Against the Person	179	135	149
Theft and Fraud Offences	65	80	86
Fatal Offences	14	10	10
Criminal Damage	15	28	15
Road Traffic (General)	38	29	30
Other	77	88	71
TOTAL	**698**	**644**	**620**



Charts 3.2.3 and 3.2.4 below set out the number of requests for review received in 2020, 2019 and 2018 and the categories of offences which were the subject of those requests.

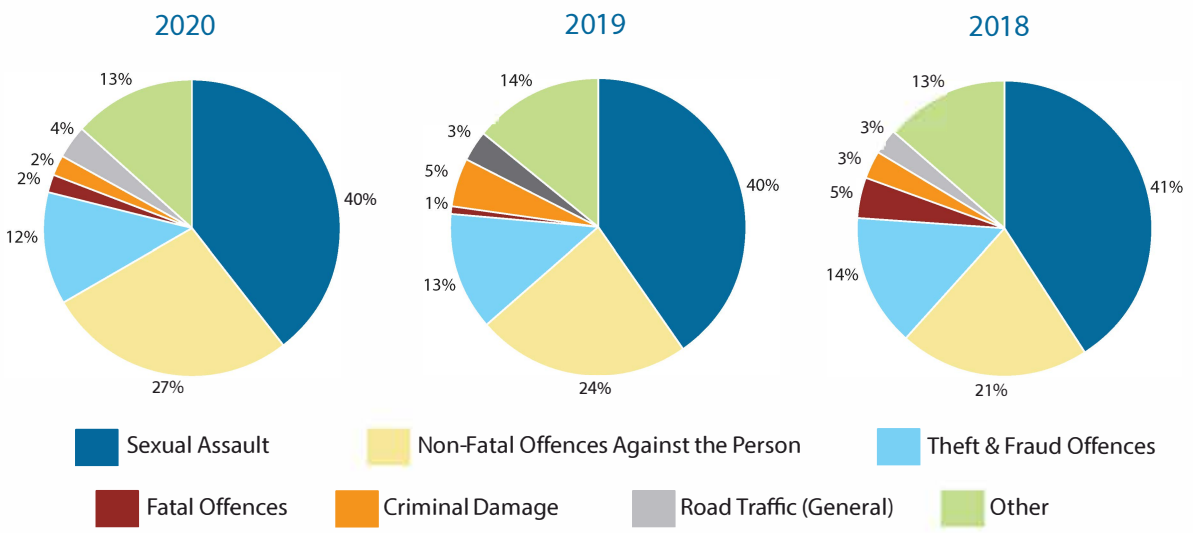
CHART 3.2.3 Requests for review of a decision not to prosecute

	2020	2019	2018
Decision Upheld	204	200	195
Decision Overturned	6	10	5
Invalid Request	2	1	2
Pending	8	2	0
TOTAL requests received for review of a decision	**220**	**213**	**202**

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.

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

Categories of Offences	2020	2019	2018
Sexual Offences	87	86	83
Non Fatal Offences Against the Person	60	50	42
Theft and Fraud Offences	27	27	29
Fatal Offences	3	2	7
Criminal Damage	5	11	6
Road Traffic (General)	8	7	6
Other	30	30	29
TOTAL	**220**	**213**	**202**



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 The Covid 19 pandemic restrictions created both challenges and opportunities in 2020 for external engagement. Many of the outreach activities usually hosted by the Office, including intern and transition year programmes and the Irish Rule of Law International Exchange Programme were not possible. However, the rapid adoption in workplaces of virtual communication has made the logistical aspects of external engagement, in Ireland and abroad, more feasible and there was considerable virtual external engagement in 2020. The 21st Annual National Prosecutors' Conference was held remotely in November 2020 and was attended by the largest audience to date of almost 300 stakeholders from across the Irish criminal justice system. The Office also hosted the Annual State Solicitors' Seminar in January 2020.

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 2020 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

3.3.4 The Office of the DPP has also responded in 2020 to requests from international bodies, in the context of information-gathering or evaluations of aspects of the Irish criminal justice system. The Office participated in the process to lead to the first EU Rule of Law Report, including a country report on Ireland, which was issued in 2020 and will be an annual report from the EU. Preparations for Brexit and its potential effect on criminal justice co-operation also led to considerable engagement in 2020 with the UK and with the EU institutions and Member States.

National Bodies and Inter-Agency Committees

3.3.5 There was also considerable engagement in 2020 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 Review Group on the role of An Garda Síochána in the public prosecution system
- High level Group on Criminal Legislation;
- High Level Group on Human Trafficking;
- Inter-agency Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences (chaired by Tom O'Malley BL) and the attendant implementation group;
- Expert Group on Bill to Codify Garda Powers of Search, Arrest and Detention;
- Brexit Steering Committee;
- UK-Irish Criminal Justice Co-operation Network
- Financial Action Task Force Steering Committee;
- National Statistics Committee for Assets Seized;
- Anti-Money-Laundering Steering Committee and Terrorist Financing 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 (Hamilton Review);
- Article 40 Committee;
- Fines (Payment and Recovery) Act 2014 Working Group;
- Health and Safety Authority/ DPP Working Group;
- Cross-Border Project Advisory Group on Victims Issues;
- Irish Criminal Justice and Disability Network;
- Criminal Justice (Fixed Charge Penalty System) Working Group;
- Project Group for the Competition (Amendment) Bill 2021
- 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 2020, training was provided by legal staff in the Office of the DPP to An Garda Síochána in particular as part of Garda initial training and Garda training on promotion in the Garda College. Training and input to development of Garda training modules was also provided to Garda specialist units on relevant legal topics.

DPP Staff also contributed in particular to Law Society training in 2020, facilitating lectures, tutorials, skills training and setting of exams as part of the Criminal Litigation module of the Professional Practice Course 1.

Training was also provided to a number of other stakeholder bodies including the Department of Justice, Sea Fishery Protection Authority, Office of the Chief State Solicitor and European Judicial Training Network.

The training sessions facilitated for external stakeholders in 2020 encompassed a range of topics including the following:

- Effective file preparation;
- Criminal procedure and court presentation;
- Human trafficking prosecutions;
- Money laundering prosecutions;
- Regulatory prosecutions;
- Sea fisheries prosecutions;
- Rights of Children in the Criminal Justice System; and
- Rule of Law.

3.3.7 Where resources permit, the Office also recognises the valuable input DPP staff can provide to research projects on aspects of criminal justice undertaken by academics and civil society groups. In 2020, DPP staff provided input into research projects on the right to silence, procedural rights for suspects and accused persons, pre-trial detention in the EU context and accessibility of the Notice of Rights for detained persons.

Outreach Activities

3.3.8 Other outreach activities in 2020 included:

- Group and individual consultation with civil society groups that provide services and support to victims of crime in the context of addressing the recommendations on training in the Report of the Inter-Agency Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences.
- Spring clinical placement programme for two undergraduate students from NUIG;
- Outreach activities to second and third level students and professional bodies including:
  - remotely hosting participants in the Chief Justice's Summer Internship Programme for Law Students
  - Participation in the Bar Council of Ireland summer transition year programme
  - Addressing the Law Society parchment ceremony for newly qualified Solicitors
  - Participating in mock trials in Trinity College Dublin Law School
  - Addressing FLAC at Technical University Dublin

PART 4:
Office Administration

4.1 Office Expenditure

Chart 4.1.1 shows the breakdown of office expenditure for 2020, 2019 and 2018.

Salaries and Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2020 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.

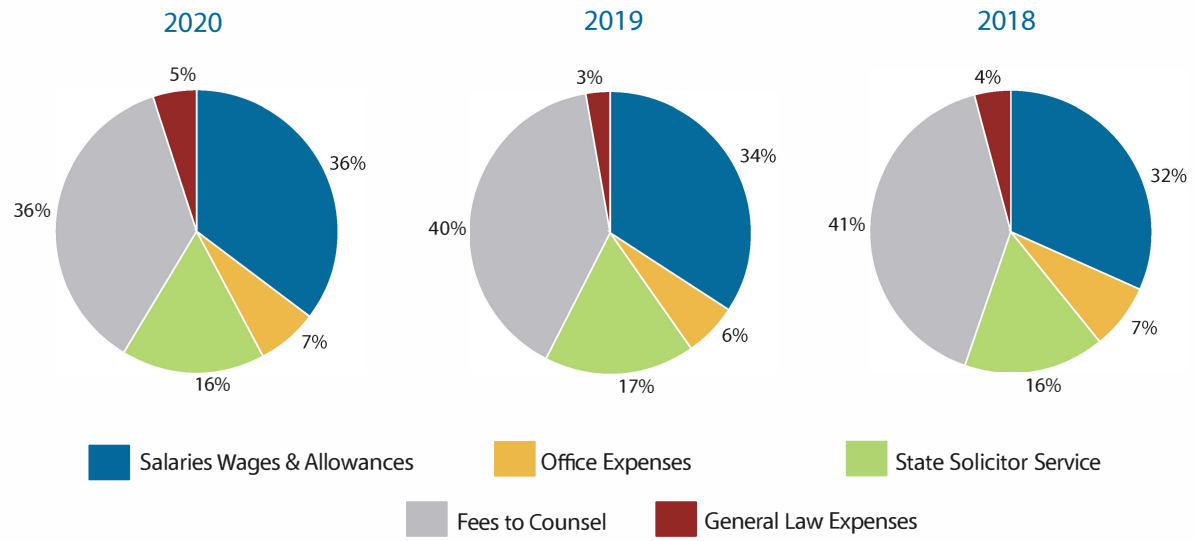
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

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

	2020 €	%	2019 €	%	2018 €	%
Salaries Wages & Allowances	15,363,236	36%	14,502,533	34%	13,453,646	32%
Office Expenses	3,085,423	7%	2,541,688	6%	3,187,616	7%
State Solicitor Service	7,183,237	16%	7,235,623	17%	6,848,584	16%
Fees to Counsel	15,785,139	36%	16,813,805	40%	17,391,679	41%
General Law Expenses	2,129,895	5%	1,101,542	3%	1,677,859	4%
TOTAL	**43,546,930**		**42,195,191**		**42,559,384**	



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

	2020 €	%	2019 €	%	2018 €	%
Circuit Court	6,965,910	44%	7,856,391	47%	8,482,806	49%
Central Criminal Court	5,342,675	34%	5,450,788	32%	4,809,819	28%
High Court	1,395,123	9%	1,107,779	7%	1,198,836	7%
Supreme Court	385,486	2%	347,348	2%	253,819	1%
Court of Appeal	1,128,720	7%	1,067,999	6%	1,259,052	7%
Special Criminal Court	538,282	4%	907,921	5%	1,355,457	8%
District Court	28,942	0%	75,579	1%	31,890	0%
TOTAL	**15,785,138**		**16,813,805**		**17,391,679**	

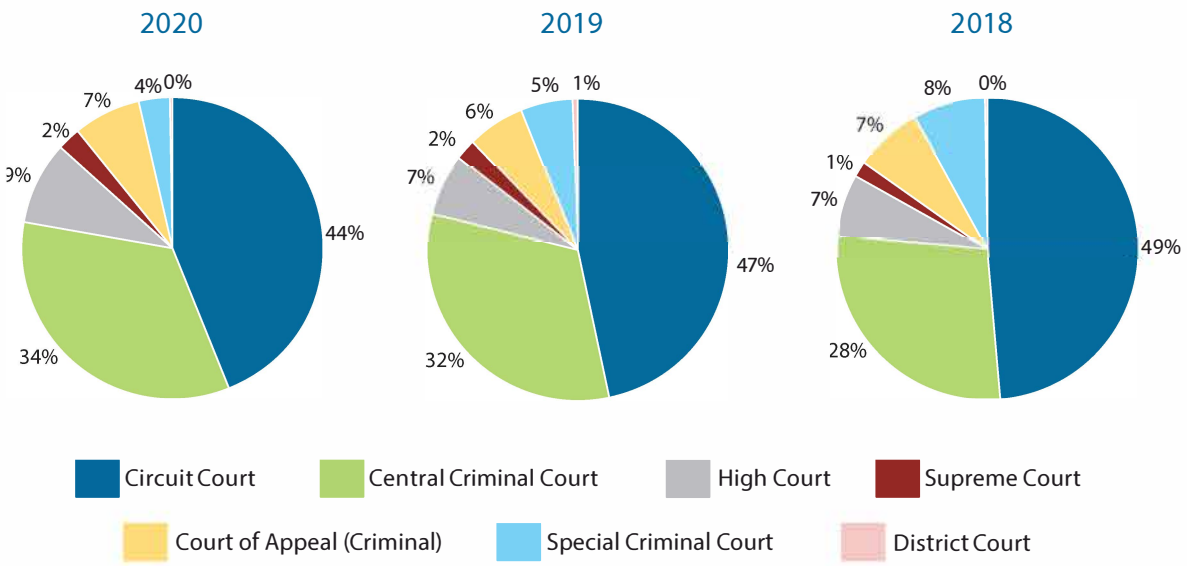
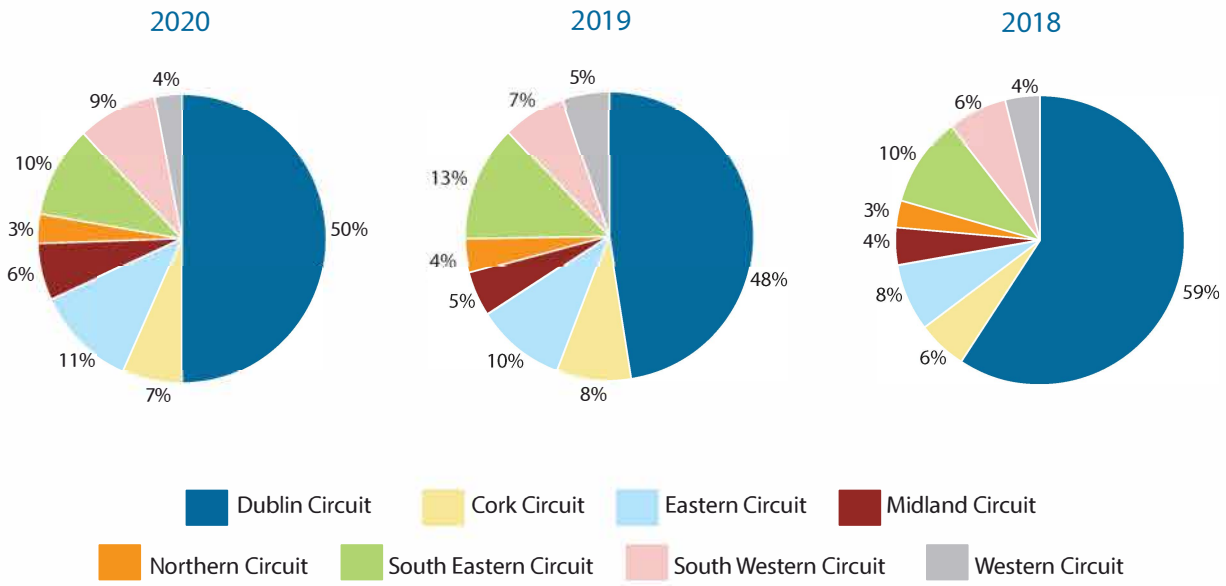


CHART 4.1.3: Fees to Counsel Paid by Circuit

	2020 €	%	2019 €	%	2018 €	%
Dublin Circuit	3,484,297	50%	3,735,269	48%	5,030,155	59%
Cork Circuit	481,390	7%	666,619	8%	480,538	6%
Eastern Circuit	794,341	11%	787,540	10%	618,041	8%
Midland Circuit	435,859	6%	388,627	5%	367,777	4%
Northern Circuit	238,415	3%	311,009	4%	260,705	3%
South Eastern Circuit	714,463	10%	1,008,665	13%	839,518	10%
South Western Circuit	605,338	9%	555,688	7%	565,244	6%
Western Circuit	211,807	4%	402,974	5%	320,827	4%
TOTAL	**6,965,910**		**7,856,391**		**8,482,805**	



4.2 Extract from Appropriation Account 2019

Account of the sum expended in the year ended 31 December 2019, 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	2019 Outturn €'000	2018 Outturn €'000
PROGRAMME EXPENDITURE				
A.	**Provision of Prosecution Service**	43,719	43,090	43,389
	Gross Expenditure	**43,719**	**43,090**	**43,389**
	Deduct			
B.	**Appropriations-in-Aid**	**910**	**895**	**830**
	Net Expenditure	**€42,809**	**€42,195**	**€42,559**

Surplus for Surrender

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

	2019	2018
Surplus to be Surrendered	**€613,809**	**€942,617**

4.3 Prompt Payment of Accounts Act, 1997

Late Payments in Commercial Transactions Regulations 2002

OPERATION OF THE ACT IN THE PERIOD 1 JANUARY 2020 TO 31 DECEMBER 2020

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 €1,799. The total value of late payments in the year amounted to €1,841 out of total payments of €3.24 million and interest and penalties thereon came to €164.51.

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 2021

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 2020 a total of 46 requests were submitted to the Office. 26 requests were granted/part granted, 15 requests were refused and 5 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 22 of the requests were submitted by journalists, three were submitted by business/ interest groups, while the other 21 requests were made by the general public.

4.4.7 In the 15 cases where requests were refused, two of the requesters sought an internal review of the original decision and one sought to appeal to the Information Commissioner for review. The original decisions were upheld in each case.

Requests Received 2020	
Requests Granted / Part Granted	26
Requests Refused	15
Withdrawn / Dealt with outside of FOI	5
TOTAL REQUESTS	**46**

Requesters 2020	
Journalists	22
General Public	21
Businesse/ Interest Groups	3

Reviews 2020	
Requests for Internal Review	2
Requests to the Information Commissioner for Review	1

4.5 Annual Energy Efficiency Report 2020

Overview of Energy Usage in 2020

4.5.1 In 2020, the Office of the Director of Public Prosecutions consumed 1,014.96MWh of energy.

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:

- 384.71MWh of Electricity
- 630.25MWh of Natural Gas

While some savings realised in 2020 derived from improved energy management measures, there was a marginal increase in energy consumption over 2019, amounting to 3.2%. This can for the most part be attributed to a number of factors including:

- an increase in the range of office opening hours to facilitate safer working arrangements associated with COVID 19 prevention measures in the workplace, whilst the office continued to provide an essential service;
- an increase in building services (e.g. cleaning, sanitisation) relating to the prevention of COVID 19 in the workplace;
- increased energy use associated with remote access by staff to office IT systems as required;
- an increase in staff numbers in the Office;
- additional IT server equipment required to maintain office IT systems;
- some technical issues arose for a period with water heating controls.

Actions Undertaken in 2020

4.5.2 During 2020, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. As build projects were halted or postponed due to COVID 19 restrictions no new additional project based savings were realised. Actions taken during 2020 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 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.

Actions Planned for 2021

4.5.3 Actions planned for 2021 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 2020 and develop new proposals for targeted insulation of the main office building.
- Continuation of awareness campaign using signage and posters.
- Conduct 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). The 5th Irish Language Scheme for the Office will be prepared in 2021.

4.6.2 During 2020 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 four publications during 2020:

i) Annual Report 2019

ii) What is a Conviction Appeal? (information leaflet)

iii) What is a Sentence Appeal? (information leaflet)

iv) What is an Undue Leniency Appeal? (information leaflet)

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 2020, the total number of page views on the Irish version of our website was 981. This represents 0.59% of all page views (166,690). Apart from the Irish homepage, the most visited Irish pages were:

- Working for Us - Latest Vacancies
- Victims & Witnesses
- COVID-19: Office of the DPP Service Update

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 2020 however, no staff undertook Irish language courses.