




Annual Report | 2023

This Report is also available in the Irish Language

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*"Delivering a fair, independent and effective prosecution service
on behalf of all the people of Ireland"*

Foreword

I am delighted to introduce the 2023 Annual Report of the Office of the Director of Public Prosecutions.

The first part of the report captures information about the work this Office has done to fulfil our strategic goals across four key areas – service, digital, collaboration and people. These goals were outlined in our Strategy Statement 2022-2024 and aim to support us in delivering a fair, independent and effective prosecution service.

These strategic goals represent a vision of a prosecution service that values expertise, high standards and a culture of learning. They also underline an ambition to collaborate effectively with other parts of the criminal justice system to bring about improvements for the people who interact with the system.

In this foreword I would like to mention two key challenges that were very much to the fore in 2023 and will require sustained attention in the coming years. The first is the challenge of ensuring that delays in the criminal justice system are minimised and that the prosecution service can respond to the sharp increase in court activity that was evident in 2023. The second is the continuing challenge of dealing with an ever increasing volume of digital data in almost all categories of cases.

In last year's Annual Report, I welcomed the government decision in January 2023, to appoint an additional 44 judges to serve across all court levels at locations around the country. Since then, 22 judges have been appointed, including two High Court judges to the Central Criminal Court, the court that deals predominantly with the offences of rape and murder. As a result, there are now up to 12 Central Criminal Courts sitting on a weekly basis, an increase on five courts in 2018 and nine in early 2023. This year, for the first time, we have included in [Part 2](#) data to reflect not just the outcomes of cases in the Central Criminal Court, but also the level of activity in that court. In summary, there has been a 66% increase in the number of trial dates listed in the Central Criminal Court over the past five years, as well as a significant increase in the number of Central Criminal Court cases being heard in venues outside of Dublin. In 2019, 127 court dates in the Central Criminal Court were held outside of Dublin. At the end of 2023 this figure



had risen to 517, equating to a 407% increase in the 2019 to 2023 period. As a Dublin based Office, this has presented operational challenges and required significant additional effort and commitment by all involved including the staff of my Office as well as our prosecuting barristers.

The impact of additional judicial appointments has not been limited to the Central Criminal Court. There has also been a significant increase in Circuit Court activity country wide over the past five years. Sitting dates in the Dublin Circuit Criminal Court increased by 24% from 2019 to 2023, and a State Solicitors workload review conducted in 2023 highlighted a substantial increase in activity in the Circuit Courts outside of Dublin also.

The collective concerted effort by everyone involved in supporting this increased activity has been important to reduce delays and ensure that cases proceed as quickly as possible for all parties involved.

These additional judicial appointments to the Criminal Courts have highlighted the interdependencies within the criminal justice system and the need to ensure that there are sufficient prosecutors, barristers, criminal defence practitioners and experts from other agencies available to support additional sittings across court levels. Ultimately, what is important is that all of the parts of the system work together to minimise any

avoidable delays in the criminal justice system. My Office has been engaging throughout 2023 with the Judicial Planning Implementation Steering Group to ensure that the intended benefit of increased judicial resources can be realised. Participation in court user groups for the Central Criminal Court and the Circuit Criminal Court, both established in 2023, also has the potential to strengthen collaboration and provide an effective mechanism to ensure the effective use of court time and to improve efficiencies.

The other key challenge that persisted during 2023 is the ever increasing volume of digital data gathered at investigative stage and submitted to my Office for review. This proliferation of digital data – mostly from phones and social media apps, but also from CCTV – has utterly transformed the volume and nature of material that must be assessed when deciding whether to prosecute, reviewed for relevance at the disclosure stage, and ultimately presented at trials.

Ensuring compliance with our disclosure responsibilities has become increasingly resource intensive. The evolution of digital data is such that it is becoming progressively more difficult to balance the legal obligation to identify and disclose relevant or potentially relevant information with the duty to protect privacy. As the Office now prepares for its next Strategy Statement 2025-2027, it is clear that there will need to be a key focus on tackling the challenges posed by disclosure in the current digital age – through stakeholder engagement, policy development and resourcing.

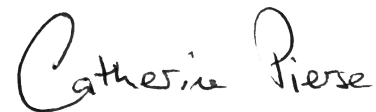
While these are some of the challenges across the criminal justice system, there has also been a wide range of opportunities for the Office to contribute to bringing about improvements across the system. One of the key assets of the Office is its expertise and operational experience of implementing criminal legislation. The Office has shared this expertise with a wide range of stakeholders by participating extensively in both national and international inter-agency committees and working groups, and providing training, for example to An Garda Síochána. All of this work is documented in further detail in [Part 1](#) of this report.

The expertise of our staff is key to ensuring that we continue to provide the highest possible standard of prosecution service, and I remain committed to investing in the continuous professional development of our people as detailed in [Part 1.4](#) of this report. Also key to ensuring high standards is the increased funding provided for the prosecution service in 2023 which allowed us to recruit further staff to meet

our growing demands. The Office has increased its recruitment profile and participated in careers fairs around the country in order to successfully attract suitably skilled staff to work with us.

I am very conscious of how important it is that the people of Ireland are sufficiently informed about the work of the prosecution service, so that they can have trust and confidence in it. In 2023, my Office participated for the first time in the National Ploughing Championships, in collaboration with our criminal justice sector colleagues with whom we shared a marquee themed around 'Supporting Victims of Crime'. In a similar vein, staff from my Office provided training and participated in discussion panels with various victim advocacy groups in relation to the role of the DPP, our decision making processes and victims' rights, among other topics. I will continue to look at ways in which we can further the public's understanding of the work of my Office.

Finally, I would like to take the opportunity to acknowledge once again the enormous work and dedication of all those working in the Irish prosecution service – the staff in my Office, State Solicitors around the country, and the barristers who prosecute on my behalf. I would also like to acknowledge the support and positive engagement that my staff have had with the many external stakeholders we interact with every day including An Garda Síochána and other investigative agencies. Thank you all for the key part you play in delivering a fair, independent and effective prosecution service on behalf of all the people of Ireland.



Catherine Piersé
Director of Public Prosecutions

September 2024

2023 at a glance



265

Total staff headcount
at end of 2023

17,603

Total number of
prosecution files
received in 2023



536

Number of requests for
reasons for decisions
not to prosecute

77%

Percentage of cases
on which a decision is
made within four weeks



€4.95m

Amount recovered
from proceeds of crime
and returned to public
funds

4,140

Total number of
Continuing Professional
Development (CPD)
hours completed by staff



66%

Increase in number of
Central Criminal Court
trial dates in past 5 years

€58.55m

Total cost of providing
the Prosecution
Service in 2023



Overview of the Office

What We Do

The office of the Director of Public Prosecutions (DPP) was established by law under the Prosecution of Offences Act, 1974. The Director, Catherine Pierse, is independent in the performance of her functions.

The duties of the Director are to:

- enforce the criminal law in the courts on behalf of the people of Ireland;
- direct and supervise public prosecutions on indictment in the courts;
- give general direction and advice to An Garda Síochána in relation to summary cases; *and*

- give specific direction to An Garda Síochána in cases where requested.

The majority of cases dealt with by the Office of the DPP are received from An Garda Síochána. Some cases are also referred to the Office by specialised investigative agencies including: Revenue; government departments; the Health and Safety Authority; the Competition and Consumer Protection Commission; the Corporate Enforcement Authority; the Garda Síochána Ombudsman Commission; the Environmental Protection Agency; and local authorities.

Structure of the Office

The Office of the DPP had 265 staff at the end of 2023 working across four divisions of the Office:

1. Directing and Specialist Units Division – examines criminal investigation files and decides, based on evidence, whether or not to take a prosecution, or whether a prosecution commenced by An Garda Síochána should be maintained; provides ongoing instruction and legal advice on cases until their conclusion, including any potential appeals involving legal or sentencing issues; advises An Garda Síochána and other specialised investigative agencies. There are two specialised Units within this Division that focus on serious and sexual offences and financial crime: the Serious and Sexual Offences Unit and the Special Financial Crime Unit.

2. Solicitors Division – prepares and conducts cases on behalf of the Director in all courts sitting in Dublin including: the Dublin District and Circuit Criminal Courts; the Central and Special Criminal Courts; the Court of Appeal; the High and Supreme Courts.

3. Prosecution Support Services Division – incorporates the Victims Liaison Unit which ensures that the Office meets its obligations in relation to the support and protection of victims of crime; the International Unit which deals with areas of international co-operation, including extradition, European Arrest Warrants and requests for mutual legal assistance; and the Prosecution Policy and Research Unit which conducts legal research, supports the development of legal policy, engages with external stakeholders on policy matters, and co-ordinates knowledge management for our staff.

4. Corporate Services Division – contributes to the Office's overall strategy through a range of business functions including human resources and organisational development, finance, ICT, facilities management, procurement, communications, strategy implementation, governance, audit, and other support services to the three legal divisions.

You can read more information on the work of the four divisions in the 'Our Organisation' section of our website, www.dppireland.ie. Our organisation structure can be found at [Appendix 1](#).

Who We Work With

The Office of the DPP also works closely with other legal professionals.

The **State Solicitor Service** – 30 solicitors in private practice contracted to act on behalf of the Director before the Circuit Courts and occasionally in the District Courts outside of Dublin. There is generally one State Solicitor per county but in certain counties, State Solicitor areas have been split to take account of factors such as population. For example, Limerick is divided into two areas: Limerick City and Limerick County.

Prosecution Counsel Panel – approximately 170 independent counsel practising at the Bar are engaged to represent the DPP on a case by case basis. Counsel prosecute in accordance with the Director's instructions and in compliance with the [Guidelines for Prosecutors](#). They represent the Director in a number of legal areas including: prosecutions on indictment in Dublin and outside Dublin (Circuit Court); judicial review; habeas corpus; High Court bail; and confiscation of assets.

You can read a more detailed description of the Prosecution System in Ireland in a publication of the same name on our website, www.dppireland.ie. A graphic description of the criminal prosecution process in Ireland can be found at [Appendix 2](#).

Our Mission and Core Values

MISSION:



To deliver a fair, independent and effective prosecution service on behalf of all the people of Ireland

CORE VALUES:



Integrity

- Acting honestly, fairly, consistently and objectively, in accordance with the Code of Ethics
- Making fair and right decisions based on evidence
- Providing accurate information



Independence

- Upholding the independence of the Office of the DPP
- Acting impartially without fear, favour, bias or prejudice, in line with the Guidelines for Prosecutors and Code of Ethics
- Remaining unaffected by individual or sectional interests and public or media pressure, having regard only to the public interest



Excellence

- Delivering fair, independent, professional services to the highest standards
- Continuously improving our service, responding proactively to changing needs, challenges, opportunities
- Influencing and shaping improvements in the criminal justice system



Respect

- Treating everyone with fairness, respect and dignity
- Listening to the perspective of stakeholders



Collegiality

- Valuing the contributions of everyone in the delivery of the prosecution service.
- Building strong relationships and working collaboratively with stakeholders, national and international
- Sharing our knowledge and expertise with others

Our Strategic Goals 2022-2024

2023 was the second year of our Strategy Statement 2022-2024. The strategy was informed and shaped through a process of engagement with staff and a range of stakeholders, and it provides a clear and shared framework that sets out our four high level goals (as outlined below) for the three-year period, and how they will be achieved.

Our strategy draws on our experience and knowledge of emerging issues in the prosecution service and focuses on how the Office of the DPP can achieve our mission to deliver a fair, independent and effective prosecution service on behalf of all the people of Ireland.

Throughout the year we continued with our collaborative business planning process – underpinned by this strategy – to connect each staff member’s work to our strategic goals and values.

The following part of this Report provides an outline of progress made during 2023 in achieving our strategic goals.

The full Strategy Statement 2022-2024 is available to read or download on our website, www.dppireland.ie.



SERVICE

We will deliver an excellent and trusted criminal prosecution service, leading to:

- Appropriate resources to meet demands
- Effective and efficient casework management and prosecution of cases
- Strong public awareness of our Office and service
- Good understanding of the experiences of users

DIGITAL



We will invest in our digital and ICT capability to drive efficiency, innovation and integration, leading to:

- Integration of systems and data exchange processes
- Less reliance on paper
- New and better ways of working and business decision making



PEOPLE

We will invest in our people and support them to thrive, leading to:

- Motivated, valued and professional staff
- Strengthened leadership capacity across the organisation
- Best practice in people and performance management
- Supportive and collegiate organisation

COLLABORATION



We will strengthen collaboration and influence change to improve the criminal justice system, leading to:

- Effective and proactive stakeholder engagement
- Greater visibility and understanding of the role of the ODPP
- Better exchange of learning and information

PART 1: Progress on Strategic Goals



1.1 Service

Effective and efficient casework management and prosecution of cases

1.1.1 During 2023, the Office of the DPP received a total of 17,603 files. Of these, 11,133 (involving 13,786 suspects) related to serious offences requiring a decision from lawyers in our Directing and Specialist Units Division as to whether to initiate or continue with a prosecution.

1.1.2 Of the number of suspects that were the subject of files received, a prosecution was directed in 65% of cases - 33% prosecution on indictment and 32% summary disposal.

1.1.3 The time it takes for a prosecution decision to be taken can vary depending on the size and complexity of the files involved. Also, in some cases, further information or investigation may be required before a decision can be made. However, consistent with previous years, 77% of cases requiring a decision whether to prosecute in 2023 were dealt with within a four-week period.

1.1.4 Victims of crime have the right to request a summary of the reason for a decision not to prosecute, and a review of that decision, subject to the Criminal Justice (Victims of Crime) Act 2017. In 2023, we received 536 requests for reasons and 223 requests for reviews of decisions not to prosecute. Of the 223 requests for review, the decision was overturned in 10 instances.

1.1.5 The increase in the number of judges in the Central Criminal Court from five to twelve in recent years has led to a significant increase in the level of activity in this Court. During 2023, our Office supported a total of 1,833 trial dates listed in the Central Criminal Court. This represents a 66% increase over the past five years and a 20% increase on 2022. A total of 230 trials were resolved during 2023. There was also an increase in the number of cases being moved to venues outside of Dublin during 2023, with 517 Central Criminal Court cases listed outside of the capital during that period.

1.1.6 There were 38 applications to the Court for review of sentence on grounds of undue leniency heard in 2023. Of these, the Director was successful in 32 cases (84%).

1.1.7 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. During 2023, 186 Confiscation and Forfeiture Orders were granted by the Courts, to a total value of €4,953,437.88.

1.1.8 At [Part 2](#), you will find detailed statistics relating to:

- All files received by the Office in 2023;
- Results of cases prosecuted on indictment;
- Applications to the Court (appeals and confiscation and forfeiture of criminal assets);
- European Arrest Warrants and Extradition;
- Mutual Legal Assistance; *and*
- Requests from victims of crime.

1.1.9 [Part 3](#) outlines some of the court decisions during 2023 which are important, interesting or have precedent value for prosecution work.

Understanding the experiences of our service users

1.1.10 Following engagement with the Courts Service, significant improvements were made during 2023 to the facilities that are available for victims of crime in High Court Bails hearings in Cloverhill Courthouse. These improvements include the provision of Victim Support at Court (VSaC) services to injured parties who attend such hearings in Cloverhill, and the provision of a designated room for injured parties to meet with VSaC until they are called to give evidence. Victims can also avail of the facility of giving evidence via video link from Garda stations around the country.

1.1.11 In 2023 staff from our Victims Liaison Unit, Serious and Sexual Offences Unit, Prosecution Policy and Research Unit, and our Learning and Development team collaborated with five victims' organisations in the non-profit sector that have direct dealings with victims. This collaboration aimed to build on learnings from pilot workshops run the previous year and offer training workshops in relation to vulnerable victims – specifically victims of sexual violence, child victims, adult victims of child

sexual abuse, and victims of domestic violence. The workshops were facilitated by the non-profit sector organisations throughout 2023.

Public Awareness of our Office

1.1.12 In September 2023, the Office of the DPP participated for the first time in the Government of Ireland village at the National Ploughing Championships in Ratheniska, Co. Laois. We collaborated with our criminal justice sector colleagues in a marquee themed around 'Supporting Victims of Crime'. Attendance at this event provided us with an opportunity to increase public awareness and understanding of the work of the Office of the DPP by disseminating information about the Office, answering questions from attendees, and by promoting our suite of NALA (National Adult Literacy Agency) approved information booklets. Over the three days of the event, our staff had 487 interactions with the public, ranging from five minute to twenty minute conversations. The Office intends to participate again in 2024.

1.1.13 During 2023, staff members from our Victims Liaison Unit and Superior Courts Section:

- provided training to AdvIC – a group that provides, among other things, advocacy and court support for families of victims of homicide – in relation to the role of the DPP, our decision making processes and criminal trial procedures;
- participated in a panel discussion as part of an international project meeting day for COVIS (EU Project on Court-based Victim Support) at the request of Victim Support at Court (VSaC); *and*
- participated in a panel discussion as part of an Irish Council of Civil Liberties conference on the implementation of victims' rights in Ireland since the EU Victims Directive. This conference was part of a wider EU project called '*Survive, Overcome and Support Victims of Crime – SOS for victims*'.

1.1.14 To further increase the understanding of the role of the DPP among some of our stakeholders, the Director took part in a number of speaking engagements, including:

- Data Protection Commission Communications Day in February 2023

- Criminal Justice Sector Communications Network event in October 2023
- National Criminal Investigation Forum in October 2023

Proactive Engagement with State Solicitors, Counsel and An Garda Síochána

1.1.15 During 2023, staff from our Serious and Sexual Offences Unit (SSOU) and Superior Courts Section concluded a nationwide training programme that began in 2022 for the Garda Divisional Protective Services Units (DPSUs). The objective of the training was to collaborate with An Garda Síochána to improve the standard of investigation files submitted to our Office and to streamline the processes necessary to ensure that prosecutions can proceed efficiently, with a particular emphasis on early preparation of disclosure and special measures documentation. Staff from the SSOU also participated in a training event for specialist interviewers.

1.1.16 Three lawyers from our District Court Section attended the University of Limerick in November 2023 to facilitate training as part of the Level 9 Professional Diploma Course for Court Presenters. This course was in its second year, with staff from our Office also contributing to the inaugural course during 2022.

1.1.17 We continued to contribute legal updates on a range of topics to the Garda Portal allowing for the dissemination of timely and relevant information to members of An Garda Síochána country wide.

1.1.18 Other training sessions facilitated by the Office of the DPP for our stakeholders during 2023 encompassed a range of topics including the following:

- Effective file preparation and file management
- Disclosure
- Advocacy skills
- Court presentation skills
- Road traffic law
- Hate crimes
- Preparation of written legal submissions
- Misuse of Drugs Act
- Mutual Legal Assistance
- District Court proceedings
- Circuit Court proceeding

1.1.19 With a view to increasing knowledge and learning across the prosecution service, the Legal Portal – a legal knowledge management system on the Office’s intranet – was enhanced and extended to all State Solicitors. Following extensive preparation by our Prosecution Policy and Research Unit, in conjunction with our ICT Unit, all State Solicitors had access to this resource by November 2023. Bespoke familiarisation sessions were run on a weekly basis throughout the month of November whereby State Solicitors received training on how to utilise and maximise the resources now available to them on the Legal Portal.

1.1.20 On 25 November 2023, we hosted our 24th Annual National Prosecutors’ Conference in the Convention Centre Dublin. This was once again an opportunity for stakeholders from across the Irish criminal justice system to meet and exchange perspectives and expertise. Approximately 285 delegates attended this event which featured the following presentations:

- *Developments in the Law in Relation to Admissibility of Phone Evidence* – Seán Guerin SC, Law Library
- *The Changing Face of Cyber Crime* – Detective Sergeant Paul Johnstone, Garda National Cyber-Crime Bureau
- *Supporting the Participation of the Accused and the Victim in a Fair Trial* – Panel discussion with Eilis Brennan SC, Tom O’Malley SC and Dr John Taggart
- *Succeeding at the Speed of Life* – Neil O’Brien

Continuously reviewing our governance, accountability and risk management framework

Risk Management

1.1.21 A comprehensive review of the Office’s Risk Register was completed by a sub-group of the Management Board in July 2023, further to specialist risk management training which was delivered to the Board in April 2023. The revised Risk Register and recommendations of the sub-group were agreed and adopted by the Management Board in October 2023.

Freedom of Information

1.1.22 The Office of the DPP continues to meet its obligations under the Freedom of Information (FOI) Act 2014. While the Act asserts the right of the public to access information held by public

bodies, including this Office, it also provides for certain restrictions, and these are included under section 42. Section 42(f) of the FOI Act 2014 provides that the Act does not apply to any record held or created by the Director of Public Prosecutions or her Office, other than a record concerning the general administration of the Office. This means that records concerning criminal case files are not accessible under the FOI Act.

1.1.23 In 2023, we received 39 FOI requests. Of these, five were granted, 13 were part-granted, 21 were refused and one was withdrawn/handled outside of the Freedom of Information legislation. The main reason for the refusals was that the records sought did not relate to the general administration of the Office.

1.1.24 There were four requests for an internal review of an original decision and one appeal to the Information Commissioner for review. All original decisions were affirmed.

Official Languages Act

1.1.25 The Office of the DPP ensured that commitments made in relation to the provision of services in the Irish language were delivered, while implementing the new provisions introduced under section 10A of the 2021 Official Languages (Amendment) Act.

1.1.26 During 2023, two members of staff from our panel of Irish speakers dealt with two separate translation requests. One translation was from English to Irish of a letter (at the request of the Victims Liaison Unit). The other was a High Court judgment from Irish into English.

1.1.27 All publications produced by the Office are made available in the Irish language. The Office website, www.dppireland.ie, is also 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.

1.1.28 The Office continues to promote Irish Language training courses to ensure that we can fulfil our obligations under the Official Languages Act. During 2023 one member of staff undertook an Irish language course. Two members of staff attended a week-long Irish language course in Glencolmcille during August 2023.

Carbon Offsets

1.1.29 The Office of the DPP follows the mandatory procedures and methodology outlined in Circular 01/2020 from the Department of Public Expenditure and Reform. This Circular set out, with effect from 1 January 2020, that all government departments, offices and agencies are required to record, monitor and value greenhouse gas emissions associated with official air travel made within a calendar year,

and to make a corresponding payment to the Climate Action Fund, based on the prevailing rate of carbon tax (€48.50 per tonne in 2023). The number of flights, carbon total and resulting carbon offset for our Office during 2023 is shown in the table below.

Number of Flights	62 Round Trips
Tonnes of CO2	16.54
Remittance to Climate Action Fund	€802.37

1.2 Digital

Availing of new technologies and technology-supported ways of working

- 1.2.1** Several upgrades related to the computing infrastructure were undertaken by our ICT Unit in 2023 focusing on sustainability, digital solutions and reducing our carbon footprint.
- 1.2.2** Our Judicial Review Section continued its move towards electronic files by setting up a new electronic file opening procedure for all Judicial Review and Article 40 case files. High Court Bails also continued to operate in a completely paperless manner.
- 1.2.3** Similarly, our Internatioal Unit maintained and enhanced its e-files processes during 2023.
- 1.2.4** Nano training videos were produced by our Legal Knowledge Management and Research (LKMR) team on different aspects of how to navigate the Office's Legal Portal. These are aimed at

assisting Prosecutors and State Solicitors as an instructional tool which can be drawn on at any time when they require assistance in utilising this valuable resource.

- 1.2.5** To enhance engagement and efficiency with knowledge management services, the LKMR Team also created two new drafting guides on how to effectively write either a judgment summary or a court report for inclusion on the Office's Legal Portal.
- 1.2.6** A technical review of elements of the Office's Case Management System was undertaken, in collaboration with our external partners, to provide greater levels of integration with Office productivity tools.
- 1.2.7** Following amendments to the District Court Rules being agreed in 2023, our Office was able to fully implement our eBOE project allowing for the electronic service of all books of evidence.

1.3 Collaboration

Training to External Agencies

- 1.3.1** In addition to the training and knowledge sharing events facilitated for State Solicitors, Counsel and An Garda Síochána as outlined in section 1.1 of this Report, DPP Staff continued to facilitate lectures and tutorials at the Law Society of Ireland, as well as contributing to the marking and examination process of exams as part of the Criminal Litigation module of the Professional Practice Course 1.

Participating in the delivery of key cross-sectoral projects

- 1.3.2** Staff from our Prosecution Policy and Research Unit (PPRU) participated in a number of cross-sectoral projects arising from the implementation of the Department of Justice's Third National Strategy on Domestic and Gender Based Violence. This included working with the Department of Justice to bring their new Irish intermediaries scheme to fruition, as well as with

the Legal Aid Board to manage notice periods to it where separate legal representation is sought by the defence. As part of the Strategy, staff from the PPRU and our Sexual and Serious Offences Unit commenced working on a newly conceived group set up by the Department of Health, which will be writing a report and making recommendations on the practice of disclosure of counselling records for trials involving sexual offences.

1.3.3 The Director and our Office’s representative in Eurojust (the EU Agency for Criminal Justice Co-operation based in The Hague) participated in a multi-stakeholder forum co-ordinated by the Irish Institute of European Affairs to review the operation of Protocol 21 – a proposed EU Directive specifically addressing violence against women and domestic violence – and its impact on Ireland’s ability to co-operate effectively with EU and international partners.

1.3.4 Extensive DPP staff participation during 2023 in other national inter-agency committees and working groups included the following:

- Criminal Justice Strategic Committee;
- Criminal Justice Sectoral Strategy Implementation Sub-groups;
- Criminal Justice Operational Hub;
- Judicial Planning Working Group;
- Justice Sector Communications Working Group;
- The Law Society of Ireland Criminal Law and In-House and Public Sector Committees;
- 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;
- Strategic Human Rights Advisory Committee;
- Working Group on statistics relating to asset recovery;
- Video-Conferencing Cross Agency Working Group;
- Inter-agency implementation groups arising from the Review of Protection of Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences (O’Malley Report);

- Third National Strategy on Domestic Violence, Sexual and Gender Based Violence;
- Expert Group on Bill to Codify Garda Powers of Search, Arrest and Detention;
- Anti-Money Laundering Steering Committee and Terrorist Financing Sub-Group;
- Cross-Border Project Advisory Group on Victims Issues;
- A number of Legal Knowledge Management and Law Librarian Networks.

1.3.5 Office of the DPP staff also engage and participate on international criminal justice working groups and forums facilitating input and learning in cross-border criminal offences such as cybercrime, human trafficking and financial crime.

1.3.6 The Department of Justice and other departments routinely seek the observations of the Office of the Director of Public Prosecutions on draft legislation and proposals for legislative change. Across the Office, staff collaborated with government departments in reviewing draft legislation. Expert and practical feedback is provided by staff in the Office with a view to identifying and supporting the development, application and operation of proposed legislation.

1.3.7 During 2023, our Prosecution Policy and Research Unit developed and implemented a new legislative engagement structure – a centralised process for the provision of observations on national and EU legislation. The streamlining of this increasing area of engagement with our stakeholders has improved both internal and external efficiencies, allowing us to work better together. The following is an overview of this legislative engagement in 2023:

Domestic Legislation		
Legislative observations	Reviewed	Sets of observations provided
Domestic Bills	8	10
Pre-commencement	1	-
Post enactment	2	2
Acts to amend	1	1
Total	12	13

EU Legislation		
	Reviewed	Sets of observations provided
Draft Directives	6	15

1.3.8 Increasing our early engagement with EU legislation in particular has allowed us to build our understanding of developments and initiatives at EU level. We have contributed significant commentary and observations to the Department of Justice in 2023, particularly regarding proposed instruments on targeting the prosecution of financial crime.

Ensuring adequate structures and resources are in place to support Ireland's judicial co-operation with EU and international partners

1.3.9 Staff from the Office of the DPP participate in many international bodies in the area of criminal justice. Two Senior Principal Prosecutors from the Office are based in Eurojust – the European Union Agency for Criminal Justice Co-operation – in The Hague. In 2023, 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;
- Inter-jurisdictional meetings between the DPPs of Ireland, Northern Ireland, Scotland, and England and Wales;
- European Judicial Network in Criminal Matters;
- European Commission Expert Group on Criminal Policy;
- Eurojust Genocide Network.

1.3.10 The Director also participated in the HoPAC (Heads of Prosecution Agencies Conference) biennial conference which took place in Montreal, Canada in June 2023, as well as the NADAL (Network of Public Prosecutors of EU Member States) annual conference in Malta in May 2023.

Building our understanding of developments and initiatives at EU level and informing Ireland's contribution to EU criminal justice policy

1.3.11 Ireland has signed up to a range of EU conventions and agreements in the context of criminal justice. These instruments have emerged from different international organisations such as the EU Commission and the Council of Europe. A corresponding monitoring body is usually set up in tandem with these instruments in order to evaluate each country's compliance.

1.3.12 In 2023, the Office provided responses to requests for information from 10 international monitoring bodies. Such requests are usually communicated to our Office via a government department who makes contact with us seeking certain information.

1.3.13 In order that the work of the Office is understood and contextualised, we have facilitated the provision of data and explanations on how the Irish prosecution service is operating. The following evaluations were completed during 2023:

International Evaluation Requests	
European Commission	4
Council of Europe	3
US Department of State	1
Consultative Counsel of Prosecutors	1
Global Watchdogs	1
TOTAL	10

1.3.14 In June 2023, the Office hosted a delegation from Zambia as part of a week-long visit to Ireland, organised by the Irish Rule of Law International Exchange Programme, to support the Zambian authorities in their fight against corruption.

1.3.15 In November, we hosted a delegation of Prosecutors from Malawi for another week-long visit to Ireland aimed at sharing our experiences in various matters including: overcoming challenges in prosecuting financial crime; criminal assets seizing in Ireland; legal and technical challenges with social media and telephone evidence; corporate governance; and strategy development.

1.4 People

Implementing and extending cross-divisional knowledge management systems and practices

- 1.4.1** The Office completed a review of our induction procedures in 2023, resulting in a pilot of a revised section/unit based induction programme. This was then rolled out to more areas later in the year with a view to all areas of the Office having common induction standards, where applicable, by 2024.

Developing and strengthening our professional and leadership capacity by providing opportunities for continuous professional development and learning

Learning and Development

- 1.4.2** Learning and Development (L&D) needs for 2023 were identified through the L&D section of e-PMDS (Performance Management and Development System), probation conversations, management engagement, the Legal Training Steering Group meetings, and based on the business needs of the Office. In total, our staff attended 196 external and 117 internal events and initiatives during 2023 leading to the completion of over 4,140 continuing professional development hours.
- 1.4.3** We continued to support further formal learning under our Refund of Fees Scheme, as well as through our bespoke internally designed programmes and on-demand programmes with One Learning. In 2023, 37 Refund of Fees applications were approved and availed of resulting in 15% of staff receiving third level education supports. A wide range of courses were approved under the Refund of Fees Scheme from law degrees and FE1 preparation courses (the Law Society of Ireland entrance exams), to diplomas in areas including leadership and management, human resources, data protection and language courses.
- 1.4.4** The Office's first internal 'Development and Careers Fair' took place during 2023, showcasing the many development opportunities open to staff. The fair ran over the course of one week in May, during which time a number of short showcase sessions took place. At these sessions, colleagues who had availed of various

courses and initiatives in the past shared their experiences and gave practical insights into the benefits they gained from participating in them.

Leadership, Coaching and Mentoring

- 1.4.5** Probation workshops were facilitated for all management levels during 2023, and probation coaches were appointed to all junior managers.
- 1.4.6** 2023 saw the commencement of our third internal mentoring programme which led to 14 mentor pairings (10% of staff) for 2024.

Traineeship and Enhanced Internship Programmes

- 1.4.7** A total of five staff engaged in our internal Solicitor Traineeship Programme during 2023 with two graduating during that year. Three others are currently completing our fully funded programme.
- 1.4.8** In 2023, the Office successfully ran the University of Galway Clinical Legal Placement Programme remotely with two undergraduate law interns. The postgraduate summer internship (which had not run since 2019 due to Covid-19 restrictions) was reinstated. Five postgraduate law students were offered paid internships over the months of June, July and August.
- 1.4.9** Additionally, in partnership with the Law Reform Commission, the Attorney General's Office and the Chief State Solicitor's Office, our Office participated in the Legal Research Internship Access Scheme for the first time. The Access Scheme was created to provide internship opportunities for current final year law students who come from socio-economically disadvantaged backgrounds or have disabilities, with the aim of increasing diversity in the legal profession. Two successful candidates were offered a two-month paid internship in the Office of the DPP during July and August, with one candidate taking up the post.

Securing the necessary legal, corporate and digital resourcing, skills and expertise to meet service demand

- 1.4.10** Following a €3.5m increase in our pay budget for 2023, 19 recruitment competitions were conducted during the year with a view to reaching our full complement of sanctioned staff. In all, 54 new staff were recruited in 2023.
- 1.4.11** Our HR-OD Unit increased its recruitment partnerships and advertising platforms to attract top talent, for example, with Irish Jobs, LinkedIn, Jobs Ireland and various universities. A 'Careers at the Office of the DPP' campaign was facilitated at careers fairs which took place in Trinity College, UCD, Galway University and Maynooth University.

Embedding staff engagement processes to encourage staff inputs, ideas and participation at all levels across the Office

Employee Engagement

- 1.4.12** The Office continued to facilitate a number of staff engagement forums during 2023, at which staff at various levels and disciplines collaborated with their peers for the purposes of sharing knowledge and ideas, and enhancing workplace communications and efficiency. These forums include: our Partnership Committee; Legal Administration Managers' Forum; Corporate Services Division Managers' Forum; Higher Executive Officer/Executive Officer Forum; and Vulnerable Victims Co-ordination Forum.

Innovation

- 1.4.13** We facilitated our 5th annual in-house Excellence and Innovation Awards Programme in 2023. This programme aims to encourage innovation by recognising and celebrating the dedication and commitment of staff involved in various organisational projects. A cross-divisional judging panel was convened to assess nominations received and select winners and commendations. In December 2023, thirteen diverse projects – ranging from the development of Vulnerable Victims and Witnesses Training Programmes, to a successful initiative aimed at improving United States/Ireland Mutual Legal Assistance co-operation – were formally recognised at a ceremony hosted by Director.

Progressing the equality and diversity agenda through the employment and development of a diverse and inclusive workforce

Equality, Diversity and Inclusion

- 1.4.14** A series of five workshops was facilitated for legal staff on dealing with vulnerable victims and witnesses, including gender based crimes. Over the course of this series, 54 staff attended.

Gender balance

- 1.4.15** Our organisational gender balance ratio was 65% female to 35% male during 2023. The Office ensures appropriate gender representation on interview boards during recruitment. At the end of 2023, 66% of our Senior Management Team were female.

- 1.4.16** See [Appendix 4](#) for information on how the Office of the DPP implements the Public Sector Equality and Human Rights Duty.

Promoting staff wellbeing including implementation of the Civil Service Health and Wellbeing Framework

Employee wellbeing

- 1.4.17** We have a cross-organisational Wellbeing Committee that takes the lead on organising campaigns, initiatives and events, as well as participating in the Public Service Wellbeing Network. During 2023, awareness sessions in areas of mental health, financial education, positive health and stress reduction were promoted, including seminars offered by One Learning and supports from our Employee Assistance Service.

Developing and implementing our Office's sustainability and green plan

- 1.4.18** Our Organisational and General Services Unit oversees the implementation of our energy efficiency actions and you can read more about this in [Appendix 5: Annual Energy Efficiency Report 2023](#).



PART 2: Summary of Files Received and Outcomes

Explanatory note in relation to statistics

The statistics in Part 2 are broken down into eight distinct sections:

- i)** Charts in section 2.1 relate to the receipt of files in the Office and include details on the types of directions made;
- ii)** Charts in section 2.2 provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2020 and 2022. This section also now includes new charts detailing activity in the Central Criminal Court during the past five years;
- iii)** Section 2.3 contains details of District Court prosecutions dealt with by the Office;
- iv)** Charts in section 2.4 provide details of applications made to the courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, judicial reviews, and High Court bail applications;
- v)** Section 2.5 contains details of the confiscation and forfeiture of criminal assets during 2023;
- vi)** Charts in section 2.6 provide details of the preparation and issue of European Arrest Warrants, Trade and Co-operation Agreement Arrest Warrants, and extradition requests;
- vii)** Section 2.7 provides details of requests for mutual legal assistance processed by the Office of the DPP; *and*
- viii)** Section 2.8 outlines the number of requests received from victims of crime for reasons and reviews in cases where a decision was made not to prosecute, and the main categories of offences which were the subject of those requests.

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 2023 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.

In this report we have attempted in most instances to include updated versions of the data provided in previous Annual Reports in order to give a fuller account of the progress made since that data was 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 at the end of June 2024.

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.

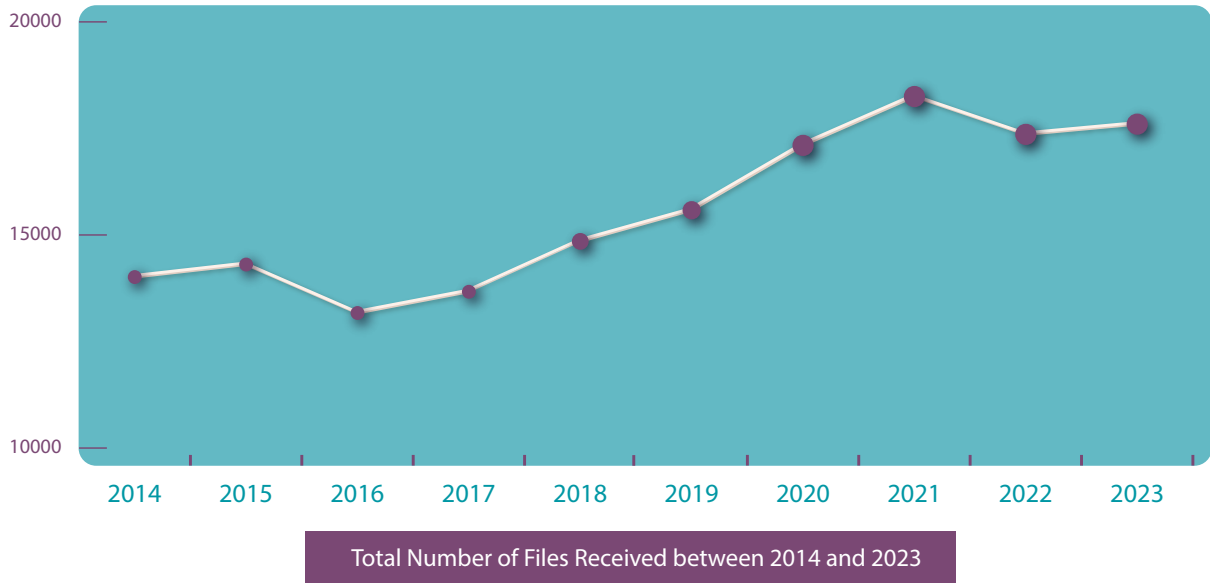
2.1 Prosecution Files Received

Chart 2.1.1 shows the total number of prosecution files received by the Office of the Director of Public Prosecutions from An Garda Síochána and other investigation agencies during the past ten years.

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 advice from An 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	Number of Files Received	YEAR	Number of Files Received
2014	14,012	2019	15,580
2015	14,306	2020	17,102
2016	13,169	2021	18,248
2017	13,667	2022	17,360
2018	14,849	2023	17,603



The Decision to Prosecute

Investigation files submitted to the Office of the DPP from the entire country are examined by experienced prosecutors who decide if:

- there should be a prosecution; *or*
- a prosecution started by the Gardaí should continue.

The decision will indicate the charges, if any, to be brought before the courts. In some cases, the prosecutor may ask for more information and investigation before they decide.

To prosecute, there must be 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.

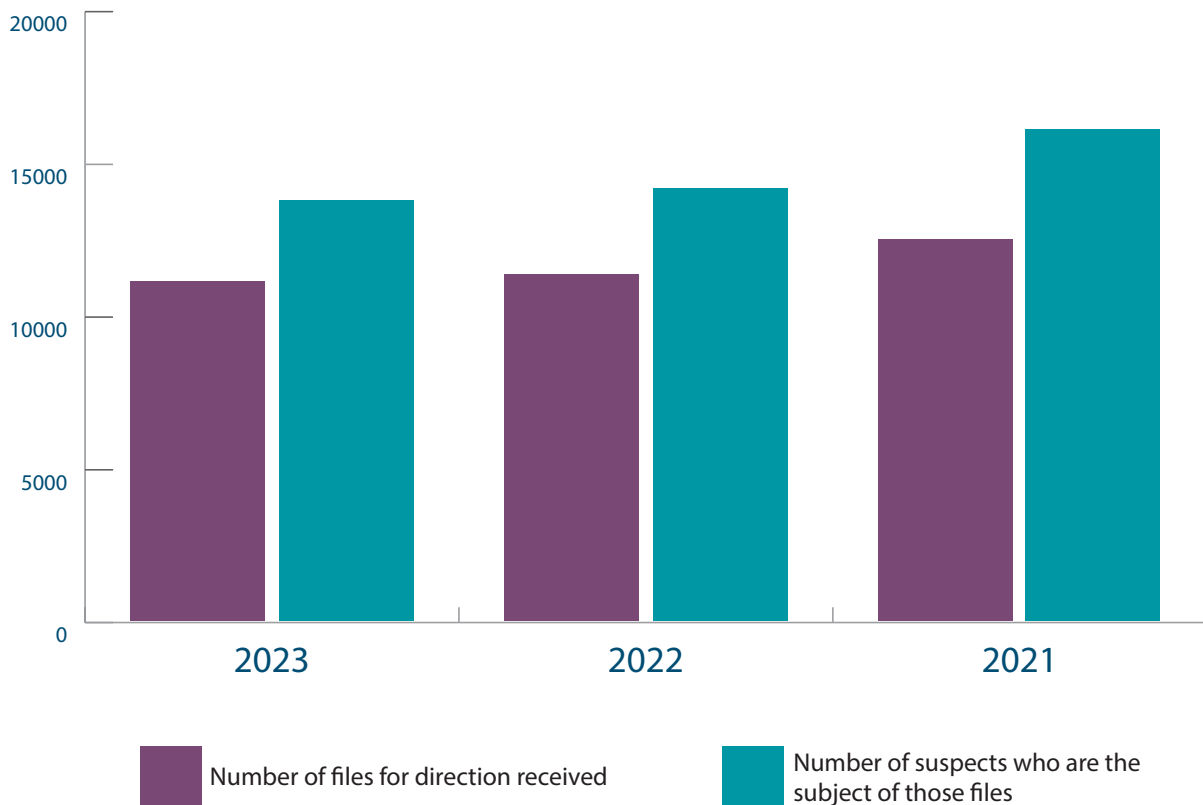
If a case is prosecuted, other decisions may need to be made in the course of a case, including whether or not to:

- accept pleas of guilty to lesser offences;
- bring appeals to higher courts (like the Court of Appeal and Supreme Court) about points of law; *or*
- seek a review of an unduly lenient sentence.

Chart 2.1.2 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 2.1.2: Breakdown of Files Received for Decision Whether to Prosecute

	2023	2022	2021
Files received for decision whether to prosecute	11,133	11,356	12,492
Number of suspects who are the subject of those files	13,786	14,148	15,896



The following chart shows a breakdown of the disposal of files received in the Office in 2023, 2022 and 2021 (as of June 2024), seeking a direction on indictable offences. 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.

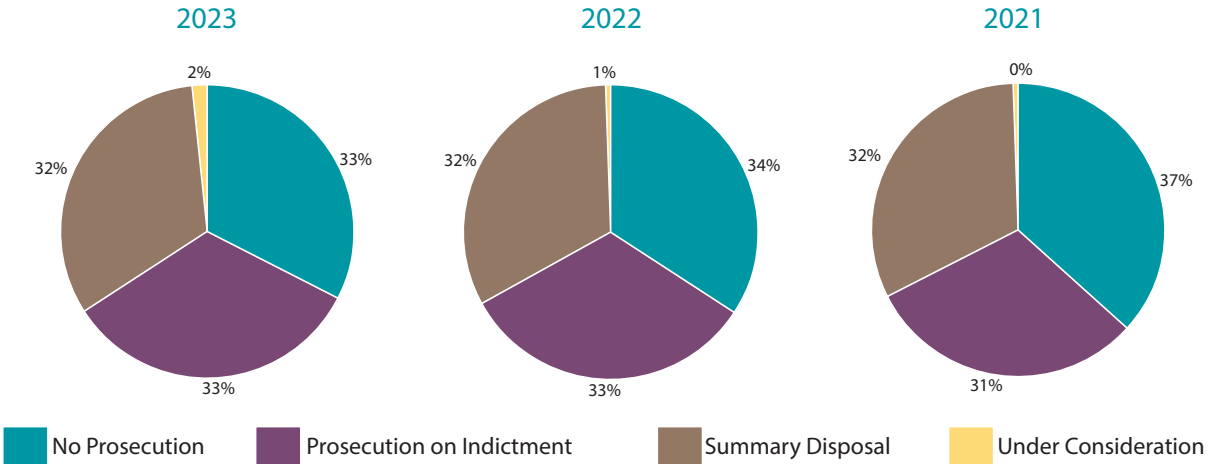
Prosecute on Indictment: It is decided to prosecute in the Circuit, Central or Special Criminal Courts.

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

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

Chart 2.1.3: Disposal of Directing and Specialist Units Division Files by Number of Suspects Subject of files Received

Direction Made	2023	%	2022	%	2021	%
No Prosecution Directed	4,516	33%	4,864	34%	5,831	37%
Prosecution on Indictment Directed	4,582	33%	4,624	33%	4,920	31%
Summary Disposal Directed	4,461	32%	4,583	32%	5,100	32%
TOTAL OF FILES DISPOSED	13,559	98%	14,071	99%	15,851	100%
Under Consideration (<i>as of June 2024</i>)	227	2%	77	1%	45	0%
TOTAL	13,786	100%	14,148	100%	15,896	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 2.1.3a: Breakdown of Main Reasons for a Direction Not to Prosecute

Main Reasons for No Prosecution	2023	%	2022	%	2021	%
Insufficient Evidence	3,427	76%	3,705	76%	4,495	77%
Injured Party Withdraws Complaint	501	11%	577	12%	616	11%
Adult Caution	167	4%	149	3%	85	1%
Juvenile Diversion Programme	50	1%	56	1%	76	1%
Suspect Deceased	43	1%	35	0%	48	1%
Public Interest	42	1%	38	1%	87	1%
Time Limit Expired	37	1%	35	1%	48	1%
Undue Delay	31	0%	38	1%	48	1%
Other	218	5%	231	5%	328	6%
TOTAL	4,516		4,864		5,831	

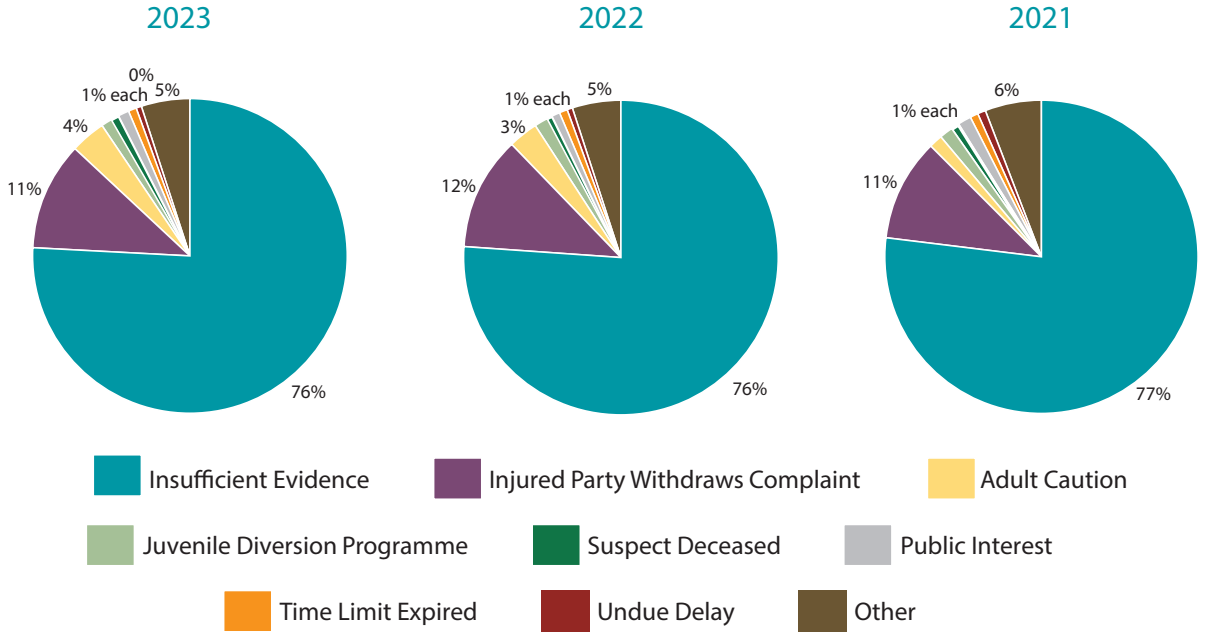


Chart 2.1.3b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. As noted earlier, all the yearly demarcations refer to the year the file was received in this Office. This chart includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'under consideration' (see chart 2.1.3). 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 2.1.3b: Breakdown of Number of Prosecutions on Indictment Directed per County of Offence

	Number of Prosecutions on Indictment Directed per County					Population					Cases per 1,000 Persons					3 Year Rolling Average		
	2023	2022	2021	2020	2019	2023*	2022*	2021*	2020*	2019*	2023	2022	2021	2020	2019	2023	2022	2019-2021
Carlow	46	71	59	38	36	63,484	61,968	59,810	59,298	58,799	0.72	1.15	0.99	0.64	0.61	0.95	0.92	0.75
Cavan	37	48	63	74	61	84,163	81,704	79,705	78,797	78,565	0.44	0.59	0.79	0.94	0.78	0.61	0.77	0.84
Clare	82	85	88	80	84	131,541	127,938	123,294	122,591	121,762	0.62	0.66	0.71	0.65	0.69	0.67	0.68	0.69
Cork	344	380	350	353	348	597,396	584,156	566,157	563,405	555,151	0.58	0.65	0.62	0.63	0.63	0.61	0.63	0.62
Donegal	110	134	119	101	94	172,114	167,084	166,566	164,669	164,185	0.64	0.80	0.71	0.61	0.57	0.72	0.71	0.63
Dublin	1,803	1,763	2,026	2,177	1,678	1,501,500	1,458,154	1,426,000	1,417,600	1,395,600	1.20	1.21	1.42	1.54	1.20	1.28	1.39	1.39
Galway	211	187	143	210	161	286,215	277,737	268,988	267,564	264,090	0.74	0.67	0.53	0.78	0.61	0.65	0.66	0.64
Kerry	126	90	124	108	99	160,004	156,458	154,043	153,295	151,049	0.79	0.58	0.80	0.70	0.66	0.72	0.69	0.72
Kildare	231	205	217	233	193	251,972	247,774	238,605	236,925	233,695	0.92	0.83	0.91	0.98	0.83	0.88	0.91	0.91
Kilkenny	39	60	76	68	68	106,708	104,160	104,249	103,355	102,485	0.37	0.58	0.73	0.66	0.66	0.56	0.65	0.68
Laois	84	82	94	85	63	93,784	91,877	89,014	88,087	88,348	0.90	0.89	1.06	0.96	0.71	0.95	0.97	0.91
Leitrim	19	16	29	18	16	36,259	35,199	33,528	33,146	33,049	0.52	0.45	0.86	0.54	0.48	0.61	0.62	0.63
Limerick	241	241	269	258	291	215,436	209,536	202,242	201,089	199,730	1.12	1.15	1.33	1.28	1.46	1.20	1.25	1.36
Longford	64	72	62	88	63	47,721	46,751	42,956	42,509	42,635	1.34	1.54	1.44	2.07	1.48	1.44	1.68	1.66
Louth	154	132	124	147	159	142,070	139,703	138,210	137,237	135,366	1.08	0.94	0.90	1.07	1.17	0.98	0.97	1.05
Mayo	77	103	97	95	78	142,182	137,970	136,034	135,314	133,557	0.54	0.75	0.71	0.70	0.58	0.67	0.72	0.67
Meath	100	125	115	126	85	224,567	220,826	209,157	207,684	204,853	0.45	0.57	0.55	0.61	0.41	0.52	0.57	0.52
Monaghan	43	64	72	61	52	67,253	65,288	64,230	63,498	63,311	0.64	0.98	1.12	0.96	0.82	0.91	1.02	0.97
Offaly	76	86	45	77	34	84,876	83,150	81,935	81,081	81,321	0.90	1.03	0.55	0.95	0.42	0.83	0.84	0.64
Roscommon	44	40	40	58	41	72,404	70,259	67,278	66,922	66,053	0.61	0.57	0.59	0.87	0.62	0.59	0.68	0.69
Sligo	68	56	58	54	38	72,311	70,198	68,571	67,790	67,590	0.94	0.80	0.85	0.80	0.56	0.86	0.81	0.73
Tipperary	141	143	141	126	134	172,623	167,895	165,565	164,621	163,509	0.82	0.85	0.85	0.77	0.82	0.84	0.82	0.81
Waterford	163	156	125	168	100	130,479	127,363	122,049	121,003	119,985	1.25	1.22	1.02	1.39	0.83	1.17	1.21	1.08
Westmeath	62	81	53	119	84	98,218	96,221	93,295	92,323	92,596	0.63	0.84	0.57	1.29	0.91	0.68	0.90	0.92
Wexford	109	105	170	194	152	167,929	163,919	157,291	155,943	154,631	0.65	0.64	1.08	1.24	0.98	0.79	0.99	1.10
Wicklow	107	97	156	89	95	158,491	155,851	152,730	151,655	149,588	0.68	0.62	1.02	0.59	0.64	0.77	0.74	0.75
Outside the State **	1	2	5	1	4													
TOTAL	4,582	4,624	4,920	5,206	4,311	5,281,700	5,149,139	5,011,502	4,977,401	4,921,503								

* Population figures for 2022 are taken from the final census figures for that year. The 2019, 2020, 2021 figures are based on a proration (based on the 2016 census) of the estimated regional population figures as published in the CSO's Population and Migration Estimates issued in 2019, 2020 & 2021. The 2023 figure is based on a proration of the estimated regional populations (based on the 2022 census) as published by the Central Statistics Office as open data on its website.

** 'Outside the State' can refer to a variety of offences including sea fisheries offences, and offences under the Criminal Law Jurisdiction Act 1976 committed in Northern Ireland but which can be prosecuted in this jurisdiction.

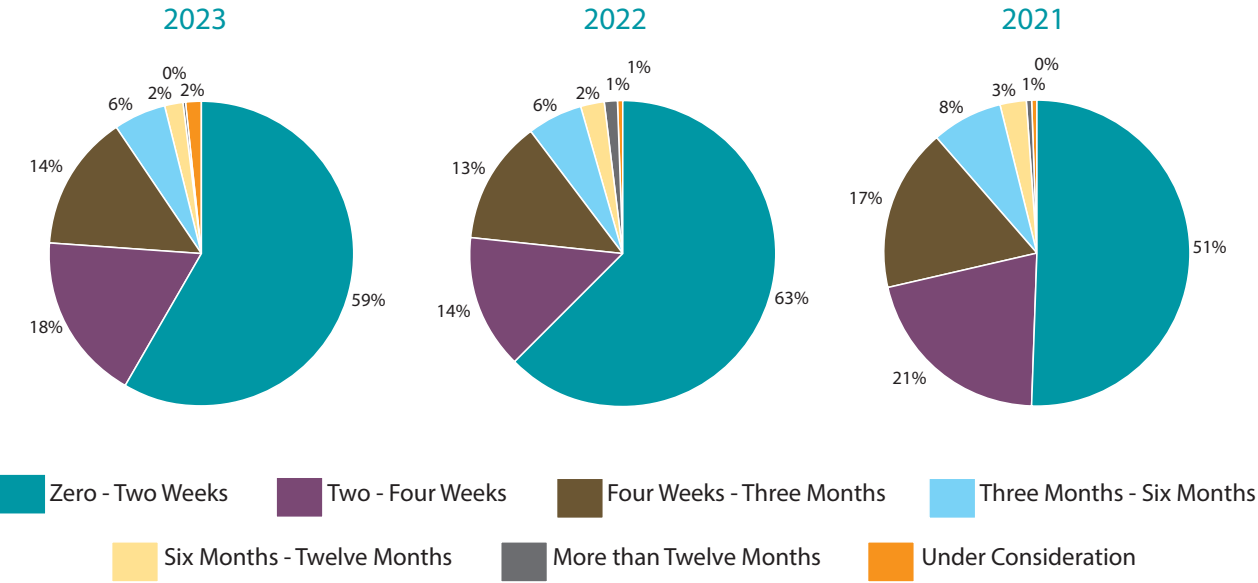
Chart 2.1.4 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. This information is shown by suspect rather than by file. This is because in files containing multiple suspects, 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 may be required before a decision can 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 2.1.4: Time Taken to Issue Directions

Time Taken	2023	%	2022	%	2021	%
Zero – Two Weeks	8,076	59%	8,865	63%	8,071	51%
Two – Four Weeks	2,453	18%	2,005	14%	3,318	21%
Four Weeks – Three Months	1,958	14%	1,846	13%	2,711	17%
Three Months – Six Months	768	6%	838	6%	1,197	8%
Six Months – Twelve Months	279	2%	349	2%	433	3%
More than Twelve Months	25	0%	168	1%	121	1%
TOTAL FILES DISPOSED	13,559	98%	14,071	99%	15,851	100%
Under Consideration (as of June 2024)	227	2%	77	1%	45	0%
TOT	13,786	100%	14,148	100%	15,896	100%



2.2 Cases Prosecuted on Indictment - Outcomes

Once a decision is made to prosecute, it is the duty of our Office to ensure fair, independent and effective prosecution in the courts.

Charts 2.2.1 to 2.2.5 provide information about prosecutions on indictment taken by the Director in respect of files received in the Office between 2020 and 2022. 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.

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.

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. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges.

It should 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.

This year, we are providing new statistics detailing the level of activity in the Central Criminal Court over the past five years and these can be found at charts 2.2.6, 2.2.6a and 2.2.6b.

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 on files received in the years 2020 to 2022 (as of June 2024). 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.
- Other Disposals:** For example, struck out; suspect deceased, *nolle prosequi* entered (see Chart 2.2.2a for more details).

NOTE: As mentioned in the explanatory note on page 22 of this Report, all the yearly demarcations in the statistical tables refer to the year the file was received in this Office. For this reason, figures for 2023 are not included below 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 would not be representative of the final picture covering all the cases.

Chart 2.2.1: Case Results - Prosecutions on Indictment

Outcome	2022	%	2021	%	2020	%
Conviction by Jury	95	2%	122	2%	186	4%
Conviction Following Plea of Guilty	2,149	46%	2,841	58%	3,367	65%
TOTAL CONVICTIONS	2,244	49%	2,963	60%	3,553	68%
Acquittal by Jury	27	1%	82	2%	116	2%
Acquittal on Direction of Judge	2	0%	10	0%	20	0%
TOTAL ACQUITTALS	29	1%	92	2%	136	3%
Not Yet Heard (<i>as of June 2024</i>)	2,287	49%	1,718	35%	1,284	25%
Other Disposals	64	1%	147	3%	233	4%
TOTAL	4,624		4,920		5,206	

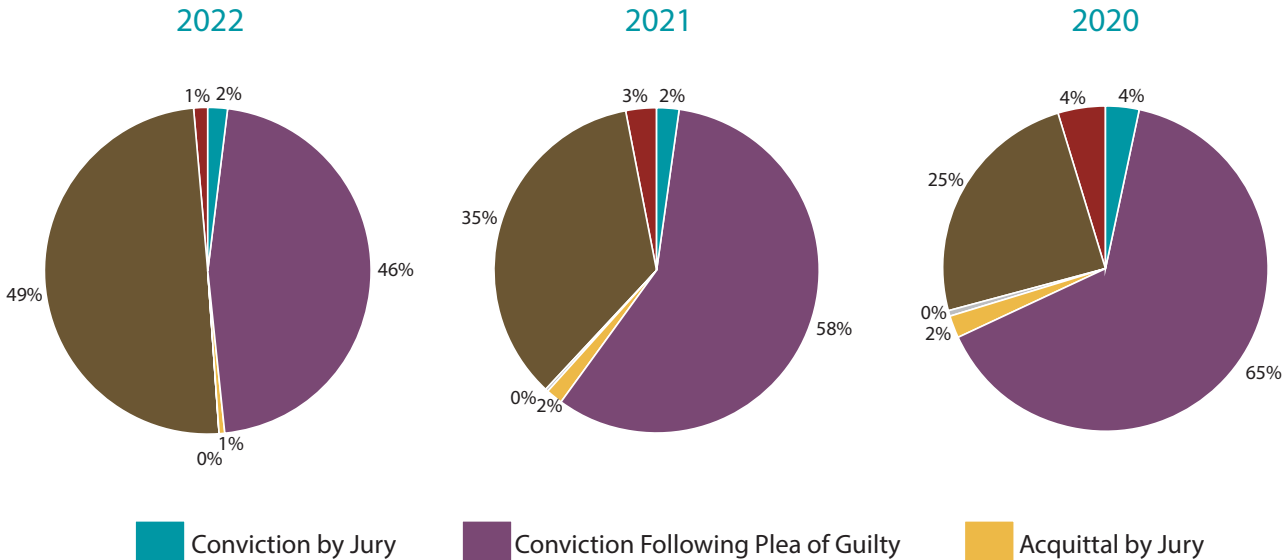


Chart 2.2.2 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. 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			
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	
Fatal Accident at Work	5	12	4	0	0	0	3	5	2	0	1	0	0	0	0	0	0	0	2	6	2	0	0	0	
Manslaughter	4	1	2	0	0	0	3	1	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	
TOTAL - FATAL OFFENCES	9	13	6	0	0	0	6	6	3	0	1	0	0	0	1	0	0	0	3	6	2	0	0	0	
Burglary	376	383	489	4	4	5	202	220	305	23	31	49	0	3	5	0	0	3	143	116	86	4	9	36	
Fraud	46	84	102	1	0	0	12	39	44	1	5	8	0	0	0	0	0	0	0	30	38	42	2	2	7
Robbery	282	291	394	2	4	6	178	192	275	9	11	21	0	1	1	0	1	2	86	73	75	7	9	14	
Theft	204	255	252	4	2	0	96	146	161	11	19	13	1	1	1	0	1	1	91	83	73	1	3	3	
Money Laundering	270	292	191	0	1	1	125	169	114	7	9	10	1	3	1	0	0	1	137	104	57	0	6	7	
Criminal Damage	155	171	161	1	1	0	63	73	93	10	26	20	2	4	6	0	1	0	76	63	36	3	3	6	
Other Offences Against Property	125	167	168	0	0	2	47	77	86	6	15	19	0	2	0	0	0	0	71	67	48	1	6	13	
TOTAL - OFFENCES AGAINST PROPERTY	1458	1643	1757	12	12	14	723	916	1078	67	116	140	4	14	14	0	3	8	634	544	417	18	38	86	
Dangerous Driving Causing Death	17	20	24	0	0	0	7	13	18	0	3	4	0	1	0	0	0	0	10	2	2	0	1	0	
Unauthorised Taking of Motor Vehicles	35	48	31	1	0	0	20	24	20	3	4	5	0	0	0	0	0	0	11	18	3	0	2	3	
Other Road Traffic Offences	124	97	86	1	1	1	41	44	47	12	11	14	0	2	0	0	1	0	67	36	22	3	2	2	
TOTAL - ROAD TRAFFIC OFFENCES	176	165	141	2	1	1	68	81	85	15	18	23	0	3	0	0	1	0	88	56	27	3	5	5	
Sexual Assault	173	158	150	10	10	16	27	41	53	2	6	2	5	8	19	0	0	3	127	86	45	2	7	12	
Child Pornography	80	68	79	0	0	1	46	48	60	2	2	4	0	0	0	0	0	0	32	17	13	0	1	1	
Indecent Assault	49	46	51	1	4	9	5	15	22	0	1	0	0	4	0	0	0	0	42	21	16	1	1	4	
Offences Against Children and Protected Persons	41	38	36	1	1	0	13	16	17	1	1	4	1	1	0	0	0	0	24	18	14	1	1	1	
Other Sexual Offences	21	21	27	0	0	2	7	5	18	1	0	2	0	2	0	0	0	1	12	9	3	1	5	1	
TOTAL - SEXUAL OFFENCES	364	331	343	12	15	28	98	125	170	6	10	12	6	15	19	0	0	4	237	151	91	5	15	19	
Drug Offences	787	840	815	2	1	2	237	283	284	251	325	355	0	2	1	0	0	0	296	216	161	1	13	12	
Firearms and Explosives Offences	135	186	159	3	3	3	41	90	88	13	19	21	2	3	1	0	0	2	74	61	35	2	10	9	
Non Fatal Offences Against the Person	966	1,002	1,168	13	17	29	374	467	649	54	66	88	9	23	43	1	4	6	490	392	292	25	33	61	
Public Order Offences	340	320	406	1	1	2	99	133	212	24	37	31	1	4	4	0	0	0	212	140	145	3	5	12	
Revenue Offences	18	14	25	0	0	0	9	5	15	0	0	1	0	0	0	0	0	0	9	9	8	0	0	1	
Sea Fisheries	19	22	10	0	0	0	0	6	4	0	0	1	0	0	0	0	0	0	19	16	5	0	0	0	
Other Offences	122	131	136	1	1	1	45	56	60	4	7	5	0	0	2	0	0	0	71	64	65	1	3	3	
GRAND TOTAL	4,394	4,667	4,966	46	51	80	1,700	2,168	2,648	434	599	677	22	64	85	1	8	20	2,133	1,655	1,248	58	122	208	

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

	2022	2021	2020
<i>Nolle Prosequi</i> Entered	49	108	188
Struck Out	0	1	4
Taken Into Consideration	2	2	1
Successful Application to Dismiss Charges	2	8	5
Dealt with as a District Court Matter	0	0	3
Case Terminated and No Retrial	1	0	0
Suspect Deceased	4	2	1
Not Guilty by Reason of Insanity	0	1	6
TOTAL	58	122	208

Chart 2.2.3 breaks down the case verdicts for each Circuit Criminal Court, based on files received in the years 2020 to 2022 in which individual suspects were directed for prosecution in the Circuit 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 2.2.3: 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			
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Carlow	47	46	31	1	0	0	35	37	26	10	8	5	1	1	0
Cavan	22	42	52	0	0	0	16	32	49	6	9	3	0	1	0
Clare	60	70	64	1	0	5	42	53	46	14	13	8	3	3	5
Cork	217	249	243	4	1	7	196	208	197	13	29	26	4	8	4
Donegal	22	39	56	0	0	1	21	33	48	1	6	3	0	0	4
Dublin	1,004	1,257	1,552	10	16	14	733	865	1,115	258	354	399	3	19	21
Galway	27	43	98	0	0	4	24	36	79	3	6	14	0	1	1
Kerry	45	73	67	1	2	4	38	63	53	6	8	7	0	0	3
Kildare	84	139	161	4	3	7	61	104	119	18	28	25	1	4	9
Kilkenny	25	43	45	0	2	2	21	31	34	3	8	6	1	2	3
Laois	13	56	56	0	1	0	11	44	41	2	10	13	0	1	1
Leitrim	5	9	9	0	0	0	5	8	8	0	1	1	0	0	0
Limerick	88	93	147	1	1	5	75	71	114	11	18	20	1	3	8
Longford	27	37	64	1	0	1	23	31	55	3	6	6	0	0	2
Louth	22	47	68	0	0	1	15	39	51	7	8	15	0	0	1
Mayo	50	53	63	0	1	3	48	42	49	1	6	8	1	4	3
Meath	54	69	84	1	3	1	42	60	64	10	6	14	1	0	3
Monaghan	11	24	28	0	0	0	8	19	23	3	5	4	0	0	0
Offaly	50	32	68	1	1	4	42	20	53	6	9	11	1	1	0
Roscommon	24	31	48	1	2	0	22	25	34	1	3	11	0	1	2
Sligo	32	45	44	0	1	0	23	33	27	8	7	12	1	3	3
Tipperary	89	103	104	5	1	3	65	86	89	18	12	10	1	3	2
Waterford	95	75	128	3	1	4	73	63	106	16	7	15	3	3	3
Westmeath	24	35	64	0	2	1	24	32	47	0	1	12	0	0	2
Wexford	41	99	119	0	3	4	31	80	96	9	13	16	0	3	3
Wicklow	25	80	47	0	1	1	18	61	33	7	18	13	0	0	0
Outside the State *	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
TOTAL	2,203	2,890	3,510	34	42	72	1,712	2,176	2,656	434	599	677	22	61	83
													1	11	22

* 'Outside the State' can refer to a variety of offences including sea fisheries offences, and offences under the Criminal Law Jurisdiction Act 1976 committed in Northern Ireland but which can be prosecuted in this jurisdiction.

Chart 2.2.4 outlines the result of cases received in the years 2020 to 2022 in which individual suspects were directed for prosecution in the Special Criminal Court.

Chart 2.2.4: Outcomes of Cases Prosecuted on Indictment in the Special Criminal Court

	TOTAL			Conviction by Judge			Conviction on Plea			Conviction on Lesser Charge			Other Disposals			For Hearing		
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020
Murder	0	2	3	0	0	2	0	2	0	0	2	0	0	0	0	0	0	1
Attempted Murder	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Commission of a serious offence for a criminal organisation	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Conspiracy to commit a serious offence	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Directing the activities of a criminal organisation	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Participating in / facilitating organised crime	2	3	2	0	0	1	0	0	0	0	0	0	0	0	0	0	2	0
Providing assistance to an unlawful organisation	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Firearms and Explosives Offences	0	3	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Moneylaundering	0	9	4	0	0	0	0	1	0	0	1	0	0	2	0	0	1	0
Perverting the course of justice	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
TOTAL	2	25	14	0	1	4	0	3	0	0	3	0	0	2	0	2	2	1

Chart 2.2.4a: Breakdown of 'Other Disposals

	2022	2021	2020
<i>Nolle Prosequi</i> Entered	0	2	0

Chart 2.2.5 outlines the result of cases received in the years 2020 to 2022 in which individual suspects were directed for prosecution in the Central Criminal Court, and breaks down all cases by the most serious charge directed against the defendant. Chart 2.2.5a provides details of 'other disposals' outcomes.

Chart 2.2.5 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									
	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020	2022	2021	2020						
Murder	25	20	27	7	2	12	2	6	5	2	5	3	0	2	1	0	3	4	2					
Capital Murder	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0					
Attempted Murder	4	17	8	0	3	1	2	7	2	0	3	5	0	0	0	0	1	0	2					
Soliciting to Murder	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0					
Rape	175	171	178	27	40	56	12	36	34	5	10	8	5	16	29	1	5	16	21					
Attempted Rape	8	5	6	2	2	2	1	0	1	0	2	1	0	0	1	0	0	1	0					
Aggravated Sexual Assault	3	3	0	2	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0					
Bestiality	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0					
Sexual Act with a Child Under 15 Years of Age	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0					
Sexual Act with a Child Under 17 Years of Age	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0					
Indecent Assault on a Female	3	1	2	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	2					
Sexual Assault	3	2	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3					
Threat to Kill (section 5)	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0					
False Imprisonment	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1					
Assisting an Offender	4	1	2	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	4					
Possession of Firearm in Suspicious Circumstances	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0					
Production of Article in the Course of Dispute	0	0	2	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0					
Child Neglect/Cruelty	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1					
TOTAL CASES	228	228	226	38	50	74	19	53	44	7	21	17	5	18	31	1	2	0	6	23	25	152	61	35

Chart 2.2.5a: Breakdown of 'Other Disposals' from Chart 2.2.5

	2022	2021	2020
<i>Nolle prosequi</i> entered	6	17	18
Suspect Deceased	0	3	2
Found Unfit to be Tried	0	0	1
Struck Out	0	1	1
Not Guilty by Reason of Insanity	0	2	3
TOTAL	6	23	25

Activity in the Central Criminal Court from 2019 to 2023

The Central Criminal Court is the court which deals with the prosecution of serious offences such as murder and rape. Chart 2.2.6 below outlines the level of activity in the Central Criminal Court during the past five years.

Arraignment: This is a formal procedure where the accused is formally notified of the charges against them and asked to enter a plea of guilty or not guilty.

List to Fix Dates: This list takes place over three days each month and its purpose is to allocate a trial date and venue for each case.

Case Management List: This was introduced in 2021 by the judge presiding over the Central Criminal Court list. The Case Management List generally takes place three days per week with a number of cases listed on each date for an update on a range of issues including: progress in relation to disclosure; witness availability; availability of expert witness reports; and any other issue which may affect the trial proceeding on the allocated date. Typically, each case can be adjourned for several weeks to allow the issue to be kept under review and until such time as the issue is resolved.

Mention: This is a specific date when the case is mentioned or brought before the Court where administrative matters are addressed, such as obtaining a date for a pre-trial hearing or sentence date.

Preliminary Trial Hearing: A preliminary trial hearing is a procedural step introduced by the Criminal Procedure Act 2021. The legislation was introduced to provide for hearings to address specific matters before the trial begins, ensuring that both the prosecution and defence are prepared for trial, therefore minimising disruptions and allowing trials to proceed on their scheduled date. The subject matter of these hearings might include applications for special measures to protect any vulnerable complainant or accused; disclosure hearings; and defence applications to exclude evidence at trial.

Trial Date: This is the scheduled date when a trial takes place.

Sentence Hearing: During this hearing, the judge determines the appropriate sentence for the convicted individual. Typically, the judge schedules a later date for sentencing to allow for the preparation of reports by probation officers, social workers, doctors, psychiatrists, or the Gardai (depending on the specific case). Such reports assist the judge in making an informed decision about the sentence.

Chart 2.2.6: Number of Court Dates in the Central Criminal Court by Hearing Type

	2023	2022	2021	2020	2019
Arraignments	57	33	34	30	14
List to Fix Dates	376	364	308	330	235
Case Management List	1,485	905	116	0	0
Mentions	433	510	363	366	345
Preliminary Trial Hearings	122	139	0	0	0
Trial Dates	1,833	1,525	1,107	904	1,105
Sentence Hearings	394	336	231	165	188
TOTAL	4,700	3,812	2,159	1,795	1,887

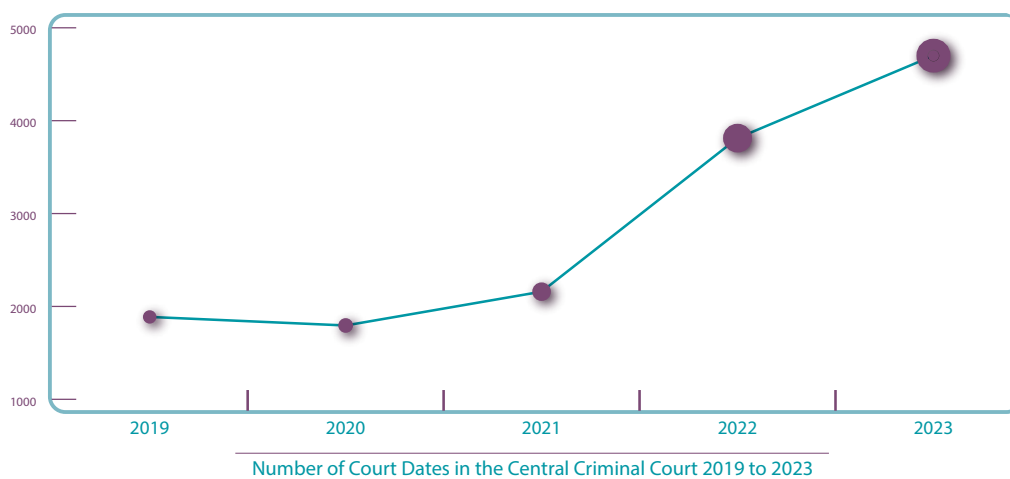
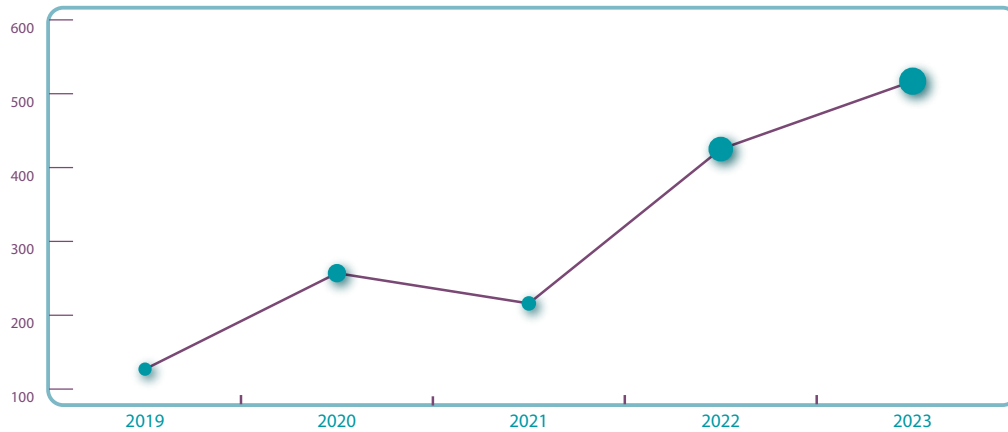


Chart 2.2.6a below shows the increase in the number of Central Criminal Court cases being heard in venues outside of Dublin during the past five years.

Chart 2.2.6a: Number of Court Dates in the Central Criminal Court by Sitting Location

County	2023	2022	2021	2020	2019
	Total Court Dates	Total Court Dates	Total Court Dates	Total Court Dates	Total Court Dates
Cork	134	168	99	97	114
Donegal	9	28	9	0	0
Dublin	4,183	3,387	1,943	1,538	1,760
Kerry	13	0	0	0	0
Kilkenny	33	19	14	81	0
Leitrim	12	6	8	0	0
Limerick	51	0	15	41	13
Longford	24	0	0	0	0
Mayo	51	49	2	30	0
Monaghan	10	14	5	0	0
Offaly	29	18	19	0	0
Sligo	11	1	13	0	0
Tipperary	1	10	0	0	0
Waterford	47	84	32	8	0
Westmeath	55	28	0	0	0
Wexford	37	0	0	0	0
TOTAL	4,700	3,812	2,159	1,795	1,887

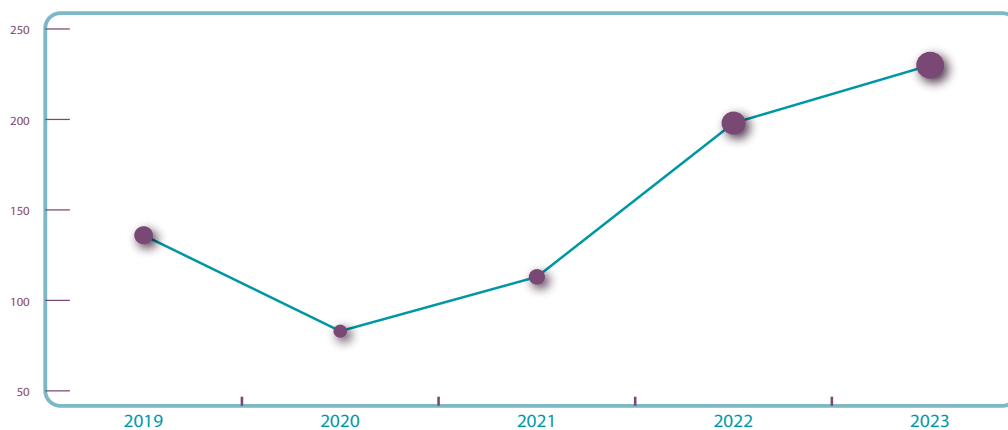


Increase in the number of Central Criminal Court cases heard outside Dublin between 2019 and 2023

Chart 2.2.6b below shows the number of Central Criminal Court trials that were completed in each of the last five years. The data in this chart differs significantly from chart 2.2.5 on page 35, in that it is based on the year in which the trial reached a conclusion, rather than the year the file was received in the Office. This provides a clearer overview of the level of activity by year in the Central Criminal Court.

Chart 2.2.6b: Outcome of Central Criminal Court Trials by Year of Outcome

	2023	2022	2021	2020	2019
Convicted	156	130	76	58	89
Convicted but not yet sentenced	13	13	17	9	3
Acquitted	30	31	8	9	26
Other Disposal, for example, <i>Nolle Prosequi</i> , etc.	31	24	12	7	18
Total	230	198	113	83	136



Number of cases concluded in the Central Criminal Court by year of Outcome

2.3 District Court Prosecutions

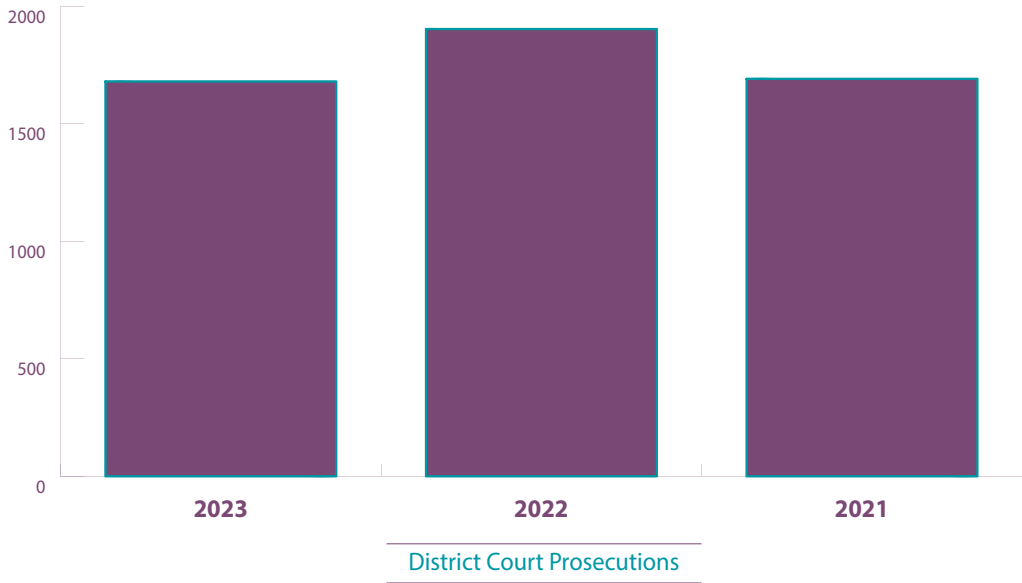
District Court prosecution files are dealt with by the staff of our District Court Section who represent the Director at summary hearings (hearings by a judge of less serious crimes) in courts throughout the Dublin Metropolitan Area. The majority of cases in the District Court in Dublin are dealt with by the Gardaí without involving the Office of the DPP. Those that do involve representation from our Office typically include:

- evidentially complex cases;
- legally complex or technical cases, for example, fraud and all drink/drug driving prosecutions;
- cases involving children;
- cases involving vulnerable victims or accused persons.

Chart 2.3.1 shows the number of District Court prosecutions dealt with in the years 2023, 2022 and 2021.

Chart 2.3.1: District Court Prosecutions

	2023	2022	2021
District Court Prosecutions	1,681	1,904	1,692



2.4 Appeals, Judicial Reviews and Other Applications

The charts in this section provide details of applications made to the Courts in relation to appeals in criminal cases, reviews of sentence on grounds of undue leniency, judicial reviews and High Court bail applications.

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 2.4.1 below details the number of appeals lodged each year from 2021 to 2023. The 'Appeal by DPP' row 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 rows set out the number of cases in which the Director was a respondent and relate to severity of sentence, conviction, refusal of bail and miscarriage of justice application appeals.

Chart 2.4.1: Appeals to the Court of Appeal (Criminal)

Appeals where the DPP was an Applicant	2023	2022	2021
Appeal by DPP (e.g. undue leniency; fitness to plead etc.)	58	40	37
Appeals where the DPP was a Respondent	2023	2022	2021
Appeal Against Severity of Sentence	166	147	132
Appeal Against Conviction	37	36	33
Appeal Against Conviction and Severity	55	62	46
Appeal Against Refusal of Bail	1	6	9
Miscarriage of Justice Application	2	4	5
TOTAL	261	255	225

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 2.4.2 below details the number of applications lodged each year from 2021 to 2023.

Chart 2.4.2a outlines the results of applications by the year in which the application was heard.

Chart 2.4.2: Applications for Review of Sentence on Grounds of Undue Leniency

Year of Application	Number of Applications Lodged
2021	35
2022	39
2023	51

Chart 2.4.2a: Results of Applications for Review of Sentence on Grounds of Undue Leniency by Year Heard

Year Applications Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2021	27	5	3	35
2022	31	5	2	38
2023	32	5	1	38

Appeals from the District Court to the Circuit Court

These are appeals from District Courts in the Dublin Metropolitan Area to the Circuit Court, which are also dealt with by the staff of our District Court Section. 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.

Chart 2.4.3: Appeals from the District to Circuit Court	2023	2022	2021
Appeals from the District Court to the Circuit Court	2,714	2,203	2,011

Judicial Review Applications

A Judicial Review is where the High Court reviews the decision of a lower court to see if the decision-making process was fair. Judicial reviews may be taken by the Director or be taken against her.

Chart 2.4.4: Number of Judicial Review Applications	2023	2022	2021
Judicial Review Applications	176	151	166

High Court Bail Applications

In cases where an accused is charged with a serious offence (such as murder or conspiracy to murder), applications for bail must be made to the High Court. Our Office deals with such bail applications, as well as bail appeals to the High Court from the lower courts, for example, against the refusal of bail in the lower courts, or applications to vary the terms of bail which were set in the lower courts.

Chart 2.4.5: Number of High Court Bail Applications	2023	2022	2021
High Court Bail Applications	1,899	1,746	1,887

2.5 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 2023 is set out in Chart 2.5.1 below.

Chart 2.5.1: Asset Seizing Files Opened by the Special Financial Crime Unit in 2023

Files Opened 2023	
Section 39 Forfeiture Order Applications (Revenue and Gardaí)	21
Section 24 Freezing Order Applications	4
Foreign Confiscation Order (see Chapter 3 of Criminal Justice (Mutual Assistance) Act 2008)	3
TOTAL	28

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 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.

Chapter 3 of the Criminal Justice (Mutual Assistance) Act 2008: This sets out the provisions relating to the enforcement in Ireland of Foreign Orders obtained by authorities in both European Union member states and non-members states.

Details of Confiscation and Forfeiture Orders granted by the courts in 2023, to a total value of €4,953,437.88, are outlined in Chart 2.5.2 below.

Chart 2.5.2: Confiscation of Criminal Assets in 2023

Orders Made Under the Criminal Justice Act 1994	Number	Amount
Prosecution Based Orders	165	€4,571,001.88
Section 39 Confiscation Orders (Garda)	3	€42,500.00
Section 39 Confiscation Orders (Revenue)	18	€339,936.00
Total	186	€4,953,437.88
Freezing Orders	5	€81,438.00

2.6 European Arrest Warrants and Extradition

Incorporating Trade and Co-operation Agreement Arrest Warrants

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 2.6.1 below outlines the number of European Arrest Warrants dealt with in the years 2023, 2022 and 2021. 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 2.6.1: European Arrest Warrants

	2023	2022	2021
EAW Files Received from Gardai	101	100	46
EAWs Issued	55	50	44
Persons Surrendered	22	65	73

Trade and Co-operation Agreement Arrest Warrants

Title VII of Part Three of the Trade & Co-operation Agreement provides for new surrender arrangements between the European Union and the United Kingdom. These new arrangements came into effect on 31 December 2020.

As in the case of an EAW, a TCA Arrest Warrant 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, a TCA Arrest Warrant 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.

Chart 2.6.2 below outlines the number of TCA Arrest Warrants dealt with in 2023.

Chart 2.6.2: Trade and Co-operation Agreement (TCA) Arrest Warrants

	2023
TCA Arrest Warrant Files Received from Gardaí	112
TCA Arrest Warrants Issued	47
Persons Surrendered	24

Extradition Requests

Requests for the preparation/issue of Extradition Requests (seeking the extradition of individuals who are not present in EU member states, the United Kingdom, Iceland or Norway) 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 2023, the Office of the Director of Public Prosecutions received 11 files from An Garda Síochána seeking the completion and issue of Extradition Requests.

2.7 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 2.7.1 outlines the total number of requests dealt with by this Office seeking mutual legal assistance from other countries (outgoing requests) in 2023, 2022 and 2021.

Chart 2.7.1: Requests Dealt with by this Office Seeking Mutual Legal Assistance from Other Countries

	2023	2022	2021
Number of Requests	1,013	933	1,102

Chart 2.7.1a: Breakdown of countries to which mutual legal assistance requests were issued by this Office in 2023

Country	2023
EU Member States	404
United Kingdom	242
United States of America	271
Other	96
TOTAL	1,013

2.8 Victims of Crime

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.

Since the coming into effect of the Victims Directive and subsequent Criminal Justice (Victims of Crime) Act 2017, victims now have specific rights to information. They also have procedural rights during court proceedings. Victims now 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. In most cases, the review is carried out by a lawyer who was not involved in making the original decision.

The Victims Liaison Unit deals with all requests for reasons and reviews received from victims of crime. 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.

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 facilitating 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.

Requests for Reasons and Reviews

Charts 2.8.1 and 2.8.1a below set out the number of requests for a summary of reasons received in 2023, 2022 and 2021 and the categories of offences which were the subject of those requests.

Chart 2.8.1: Requests for summary of reasons

	2023	2022	2021
Reasons given	481	551	613
Reasons refused *	30	20	25
Reasons deferred **	25	20	14
Pending (as of May 2024)	0	1	0
TOTAL requests for reasons received	536	592	652

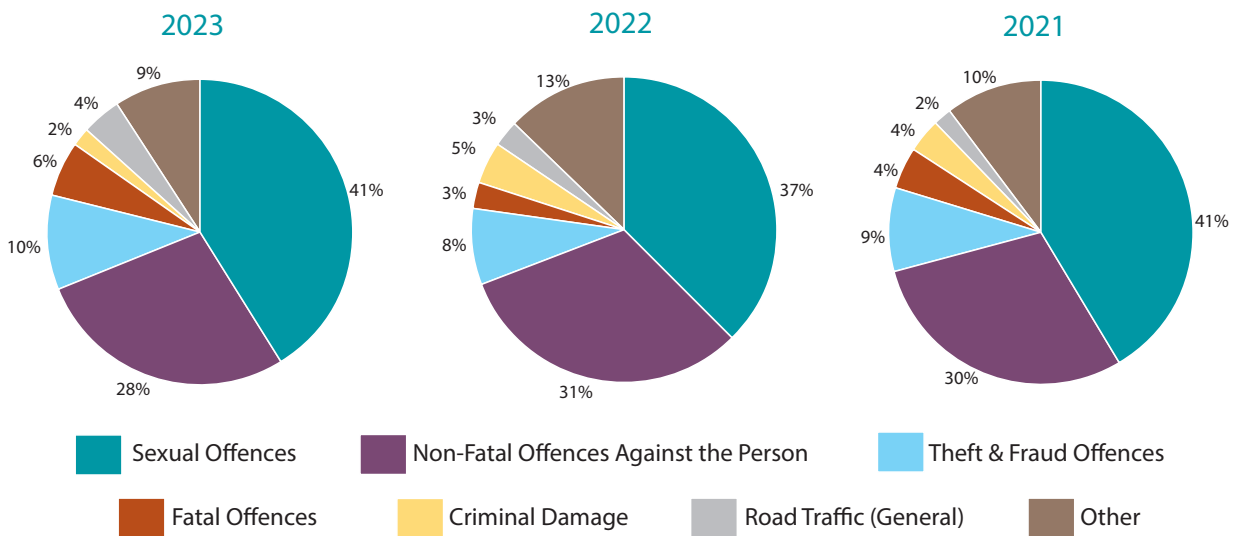
* An example of instances in which requests are refused would include requests relating to decisions made prior to 16 November 2015.

** Deferred cases include cases where giving a reason has been deferred due to the risk of prejudicing an existing prosecution.

CHART 2.8.1a: Categories of offences which were the subject of requests for reasons

Categories of Offences	2023	2022	2021
Sexual Offences	221	223	270
Non-Fatal Offences Against the Person	149	188	192
Theft and Fraud Offences	54	47	58
Fatal Offences	31	16	29
Criminal Damage	11	27	25
Road Traffic (General)	21	16	11
Other	49	75	67
TOTAL	536	592	652

NOTE: Figures may vary from our previous Annual Report due to a re-categorisation of offences



Charts 2.8.2 and 2.8.2a below set out the number of requests for review received in 2023, 2022 and 2021 and the categories of offences which were the subject of those requests.

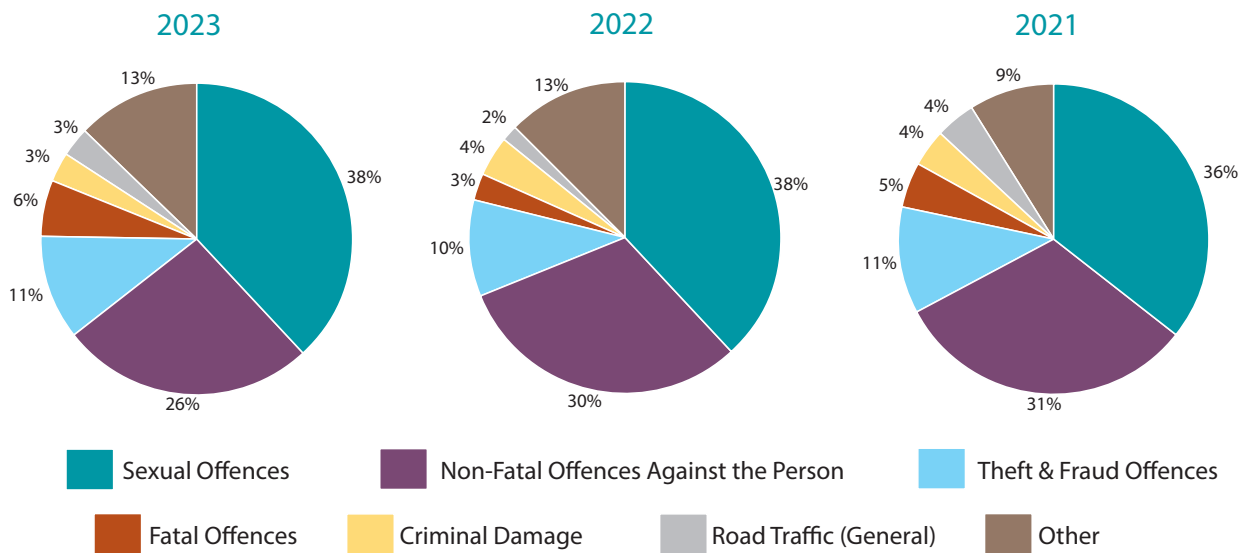
Chart 2.8.2: Requests for review of a decision not to prosecute

	2023	2022	2021
Decision Upheld	198	236	206
Decision Overturned	10	10	6
Invalid Request *	5	1	1
Pending (as of May 2024)	10	1	2
TOTAL requests received for review of a decision	223	248	215

* 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 2.8.2a: Categories of offences which were the subject of requests for reviews

Categories of Offences	2023	2022	2021
Sexual Offences	85	95	77
Non-Fatal Offences Against the Person	59	76	68
Theft and Fraud Offences	24	25	24
Fatal Offences	13	7	10
Criminal Damage	7	10	8
Road Traffic (General)	7	4	9
Other	28	31	19
TOTAL	223	248	215





PART 3: Legal Developments 2023

Legal Developments 2023

3.1 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 of the case law from 2023, but the cases outlined below should give the reader an idea of the issues which arise from time to time in the prosecution of offences.

Constitutional Law

CW v. Minister for Justice & Ors [2023] IESC 22, (Supreme Court, O'Donnell J. & Charleton J., 28 August 2023)

3.2 The respondent was convicted of the offence of engaging in a sexual act with a child under the age of 17. Section 3(3) of the Criminal Law (Sexual Offences) Act 2006 provides a defence where it can be demonstrated that the accused reasonably believed the child was aged over 17. Subsection 3(5) provides that the accused must prove the claim of a mistake regarding the age of the child on the balance of probabilities.

The Supreme Court held that the burden of proof on the defence, set out in section 3(5) was disproportionate and contrary to constitutional fair trial rights of an accused.

Alan Harte v. DPP and Ors [2023] IEHC 538, (High Court, Bolger J., 2 October 2023)

3.3 The applicant argued that section 40 of the Offences Against the State Act 1939 was unconstitutional. Section 40 provides that the Special Criminal Court will not disclose whether a verdict is unanimous or the opinion of any individual member of the Court. The High Court held that Article 38 of the Constitution permitted a different kind of trial process in the Special Criminal Court and that the applicant is not entitled to the same rights as those tried before a jury. The Court determined that the fact that the applicant is subjected to a different and constitutionally permitted process does not breach his right to equality or to a trial in due course of law. The applicant does not enjoy a right to a five sixths majority verdict as in a jury trial not does he have a right to know the existence of any dissenting decision.

Daragh Galvin v. DPP & Ors [2023] IEHC 588, (High Court, Quinn J., 24 October 2023)

3.4 The plaintiff was charged with offering a specified tobacco product for sale otherwise than in a pack to which a valid tax stamp was affixed. Three issues were raised in this judicial review:

- i) Section 78(3) is too complex for a reasonable person to understand;
- ii) There is no requirement for the prosecution to prove *mens rea*; and
- iii) The removal of the option of applying the Probation of Offenders Act 1907 is unconstitutional.

The Court held that section 78(3) was not very complex and that “while excessive complexity may not be desirable the authorities do not support the proposition that it is fatal”. The Court further held that it is clear that the courts recognise “it is appropriate for legislation to provide for regulatory offences on a strict liability basis” and that the removal of the option of applying the Probation Act was not irrational or disproportionate.

(The Court of Appeal dismissed an appeal of this judgment in July 2024)

C (a Minor) v. Governor of Oberstown Children Detention Campus [2023] IECA 36, (Court of Appeal, Kennedy J., 26 January 2023)

3.5 The Court of Appeal was asked to determine whether a Court can, when imposing the condition of an independent surety on a juvenile, also require a cash lodgement. The Court held that section 5(4) of the Bail Act 1997, which deals with the lodgement of cash by independent sureties, specifies that it does not apply to juveniles. Therefore, if an accused is a juvenile, the requirement of a cash lodgement is unlawful.

DPP v. R L [2023] IECA 47, (Court of Appeal, Birmingham P., 2 March 2023)

3.6 The appellant was aged 17 at the date of sentence but was 18 when his appeal was listed for hearing. The Court of Appeal examined the

sentencing options available to the appeal court in such circumstances. The Court held that, if minded to intervene in relation to sentence, it would be confined to imposing a sentence which could have been imposed at the court of trial. There was a prohibition on passing a sentence of imprisonment on a child. As to what order the Court could make, it concluded that the choice was a binary one:

- it could quash the sentence imposed and make no further order; *or*
- the Court could decline to quash the sentence and reject the appeal.

Section 61 of the Criminal Justice (Miscellaneous Provisions) Act 2023 now addresses this issue.

DPP v. C O'L [2023] IECA 48, (Court of Appeal, Birmingham P., 2 March 2023)

- 3.7** This was a consultative case stated. The accused appeared before the Circuit Court as a juvenile and his sentence was deferred. The sentencing hearing resumed when he was an adult. The case concerned the sentencing jurisdiction of the Circuit Court. The Court held that because of the definition of 'child', 'detention' and 'children's detention school' in the Children Act 2001, there is no authority for a Court to impose a detention order on someone who is no longer a child. Birmingham P. found that the only sentencing option available in the case of an adult was to apply a Probation Order.

Juvenile Delay

DK v. DPP [2023] IEHC 274, (High Court, Barr J., 24 May 2023)

- 3.8** The applicant sought prohibition of his trial due to prosecutorial delay. The applicant was 16 at the time of the incident and 18 when charged with a money laundering offence. The High Court granted prohibition. The Court held there was no satisfactory explanation for the delay and that there was culpable prosecutorial delay. The Court held that the loss of his anonymity under section 93 of the Children Act 2001 was a 'significant prejudice'.

(The Court of Appeal dismissed a DPP Appeal of this decision in July 2024)

CL v. DPP [2023] IEHC 331, (High Court, Mulcahy J., 20 June 2023)

- 3.9** The applicant sought an order to restrain his prosecution, or a declaration limiting sentencing to the District Court jurisdiction, due to prosecutorial delay. The applicant was 16 at the time of the incident and 18 when he was charged with an offence of violent disorder. The High Court, acknowledging culpable delay, refused the relief sought noting that the public interest in prosecuting the applicant outweighed the prejudice caused by the delay. The Court noted that the applicant was prejudiced by the loss of anonymity and of the sentencing options available under the Children Act 2001 but noted that the Circuit Court, in sentencing the applicant, could take into account his age.

LW v. DPP [2023] IEHC 739, (High Court, Bradley J., 1 December 2023)

- 3.10** The applicant sought to prohibit the DPP from proceeding with the prosecution on indictment of offences contrary to the Misuse of Drugs Act 1977. The applicant was 16 at the time of the relevant incidents and was a minor when charged but 'aged out' during the proceedings. The High Court found that there was culpable prosecutorial delay but refused prohibition given the public interest in having serious charges prosecuted.

Practice and Procedure

DPP v. Tomasz Czelusniak [2023] IECA 159, (Court of Appeal, Ní Raifeartaigh J., 20 June 2023)

- 3.11** The Court of Appeal held that a person who has pleaded guilty and been sentenced in the District Court pursuant to section 13(2)(a) of the 1967 Act cannot change their plea on appeal. Section 13(2)(a) of the 1967 Act provides, with the consent of the Director, a procedure which allows an accused person to benefit from District Court sentencing powers on entering a plea to an indictable offence before the District Court.

DPP v. Ciaran Davitt [2023] IESC 17, (Supreme Court, Dunne J., 14 July 2023)

- 3.12** The Supreme Court held that section 8(2) of the Garda Síochána Act 2005 clearly contemplated that different members of An Garda Síochána could institute or conduct summary proceedings.

The Court held that the regulation of rights of audience, is a part of the practice and procedure within the rule-making power of the District Court Committee. The Supreme Court also found that the use of the consultative case stated procedure to challenge the vires of the District Court rules was not appropriate, as the District Court was not the appropriate venue to hear this argument and the High Court is limited to findings of fact made by the District Court judge.

David James Bourke v. The Commissioner of An Garda Síochána & Ors [2023] IEHC 606, (High Court, Barr J., 27 October 2023)

- 3.13** The applicant brought a judicial review of a ruling by the Circuit Court refusing further disclosure in a pre-trial application. A declaration was sought that the State's failure to transpose Article 7 of Directive 2012/13/EU was a breach of his right to fair procedures under Article 38.1 of the Irish Constitution and Article 6 of the ECHR. The High Court held that:

"the provisions that existed in Irish law prior to the enactment of the Directive, were at the very least comparable, if not more extensive than those provided for in the Directive relating to pre-trial disclosure".

Road Traffic Law

DPP v. Simon Gordon [2023] IECA 194, (Court of Appeal, Edwards J., 28 July 2023)

- 3.14** The accused appealed his conviction from the District Court to the Circuit Court for an offence of being drunk in charge of a vehicle contrary to section 5(4)(a) & (5) of the Road Traffic Act 2010. The Circuit Court judge found that there was insufficient evidence to convict him under section 5(4) of the Act but held that there was sufficient evidence to convict him of drink driving under section 4, an offence for which he had not been charged.

The Court of Appeal held that the discretionary power under section 5(6) of the 2010 Act should not be available to a Circuit Court judge hearing a District Court appeal. The Supreme Court has made a determination to accept an appeal brought by the Director.

DPP v. Jonathan O'Flaherty [2023] IEHC 625, (High Court, Simons J, 15 November 2023)

- 3.15** This was a consultative case stated from the District Court to the High Court. The High Court was asked whether section 10(4) of the Road Traffic Act 2010 allows a Garda to require a person to remain at a checkpoint after an oral sample has been given for a period of up to an hour, until such time that the specimen has been analysed for the presence of drugs.

The High Court held the threshold for the implication of a power to detain was not met. The 2010 Act provides specific powers of arrest and detention, which militates against the implication of an additional, broader power to detain in other circumstances. An appeal to the Supreme Court has been heard and judgment is awaited.

DPP v. GM [2023] IECA 151, (Court of Appeal, Kennedy J, 25 May 2023)

- 3.16** The appellant was convicted of 16 counts of rape contrary to section 4 of the Criminal Law (Rape)(Amendment) Act 1990. The appellant challenged his conviction on a number of grounds, most notably that the trial judge erred in directing the placing of a screen between the complainant and appellant when the complainant was giving evidence. No expert evidence was called by the prosecution to support the applicant. The Court of Appeal upheld the decision of the trial judge to allow the complainant to give evidence against her husband with the aid of a screen.

DPP v. Robert Hodgins [2023] IECA 174, (Court of Appeal, Donnelly J., 7 July 2023)

- 3.17** This was consultative case stated from the Circuit Court to the Court of Appeal in a drink driving prosecution. The Court was asked to determine the legal consequences of the failure by a Garda to sign the two identical statements produced by the apparatus after a breath sample had been provided. The Court considered whether the Supreme Court decision in *DPP v. Lloyd Freeman* (Unreported, Supreme Court, Murray J., 25 March 2014) remained the law or whether it had been altered by the Supreme Court decision in *DPP v. Avadenei* [2017] IESC 77. The Court of Appeal found that *Avadenei* did not explicitly overrule

Freeman and concluded that the *Freeman* decision, as upheld by the Supreme Court, remains the binding authority.

(The Supreme Court dismissed a DPP Appeal of this judgment in July 2024)

DPP v. Patrick Quirke [2023] IESC 5, (Supreme Court, Charleton J., 20 March 2023)

- 3.18** Mr Quirke was convicted of murder. The Supreme Court on appeal reviewed the extent of any requirement to identify what might be searched when applying for a search warrant. The Search warrant was granted pursuant to the Criminal Justice (Miscellaneous Provisions) Act 1997. The sworn information did not refer to electronic devices or computers. The Supreme Court differentiated between a physical space, such as a house, and a digital space, where data is stored, in a computer and to which a computer or other electronic device is a portal. It held that the definition of ‘place’ in the 1997 Act was specific to physical places, and did not include digital spaces. It acknowledged that privacy was a much greater issue in a computer search than where a physical object was searched. The Court held that the intention to seize a computer for a search of the digital space should have been addressed in the sworn information put before the District judge when applying for the search warrant.

Emmett Corcoran v. DPP and Others [2023] IESC 15, (Supreme Court, Hogan J., Collins J, O’Donnell CJ, 22 June 2023)

- 3.19** The applicant sought to challenge the issue of search. A burglary was committed in Strokestown. Two search warrants were obtained by An Garda Síochána under section 10 of the Criminal Justice (Miscellaneous Provisions) Act 1997 to search the home of the applicant and the office of a local newspaper that had reported on the incident. The sworn information grounding the warrants did not mention that the applicant had been interviewed and had asserted journalistic privilege. The Supreme Court held that where the issue of a warrant would interfere with a journalist’s sources, this must be brought to the attention of the judge from whom the warrant is sought and the judge can properly issue the warrant if he or she is satisfied that the public interest justifies the potential interference

with the protection of journalistic sources. The Supreme Court held unanimously that these warrants must be quashed.

Sentencing

DPP v. Stephen Duffy [2023] IESC 1, (Supreme Court, O’Malley J., 19 January 2023)

- 3.20** The accused was charged with assault, contrary to section 4 of the Non-Fatal Offences Against the Person Act 1997 and received a fully suspended sentence of four years. The DPP appealed the sentence on the basis of undue leniency. The Court of Appeal quashed the sentence and imposed a sentence of four years with the last three years suspended. The Supreme Court, on appeal, considered the relevance of the views of the victim at sentencing and the fact that the victim accepted a sum of money in mitigation. The Supreme Court held that while the views of the injured party may be presented before the Court, their role is limited in the sentencing process. The Court also noted that neither an offer by the accused to pay financial compensation, or an order that compensation be paid, will preclude the imposition of a custodial sentence.

DPP v. MJ [2022] IESC 50 (Supreme Court, O’Malley J., 1 December 2022) and [2023] IESC 4 (Supreme Court, Dunne J., O’Malley J., Baker J., Woulfe J., 10 February 2023)

- 3.21** The appellant had been convicted of indecent assault committed in 1978. The trial judge set a headline sentence of 21 months for each offence which would then run consecutively. The Court of Appeal, on appeal, upheld the findings of the trial judge but suspended the final 21 months. The Supreme Court found that there was an obligation when sentencing to adhere to the totality principle (*People (DPP) v. Farrell* [2010] IECCA 68). The Court held that it could not identify that the Court of Appeal had regard to the totality principle in its judgment. The conviction was upheld and the accused was re-sentenced.

Admissibility of Evidence

DPP v. BK [2023] IESC 23 (Supreme Court, Charleton J., 13 October 2023)

- 3.22** The Director made a decision not to prosecute BK arising from an investigation into allegations of sexual abuse. High Court wardship proceedings were initiated in relation to her children. BK consented to a psychological assessment as to her competence and capacity as a mother. In the course of this assessment BK made a series of alleged admissions. The Director decided to prosecute BK following the disclosure of these alleged admissions. The trial judge excluded the alleged admissions at trial. The Director brought an appeal. The Supreme Court ruled that an admission, voluntarily made in the course of a psychological assessment, may be admissible in a subsequent criminal trial. The Court affirmed that the DPP is vested with the decision making power to prosecute, or to forego prosecution, and that such decisions are reviewable only in limited circumstances.

DPP v. Graham Dwyer [2023] IECA 70 (Court of Appeal, Birmingham P., 24 March 2023)

- 3.23** This appellant was convicted of murder and brought an appeal to the Court of Appeal. The prosecution had relied on call data evidence from mobile phones, both the contents of text messages from handsets and from computer backups, as well as data from records retained by mobile telephone companies for billing purposes and in accordance with the Communication (Retention of Data) Act 2011. The Court noted that the Court of Justice of the European Union held in *GD v. The Commissioner of An Garda Síochána* (C-140/20) that the applicable Irish regime was invalid under EU law. The Court of Appeal decided that the evidence was obtained in circumstances of illegality such that the test in *People (AG) v. O'Brien* [1965] IR 142 should be applied. The Court did not find that the situation was analogous to unconstitutionality. The Court found the evidence was properly admitted.

(The Supreme Court upheld the decision of the Court of Appeal in July 2024)

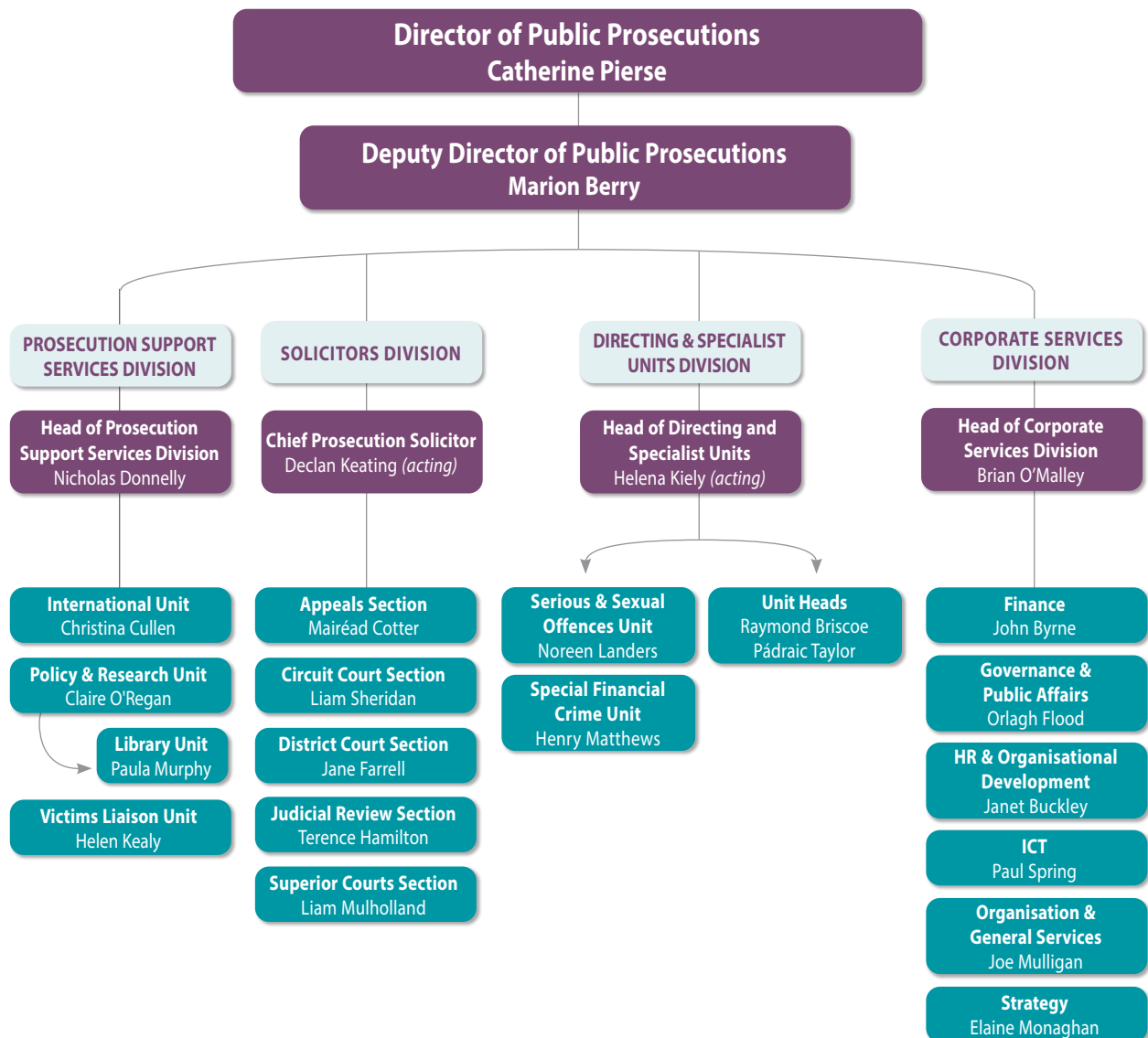
DPP v. BFJ [2023] IECA 127 (Court of Appeal, Kennedy J., 19 May 2023)

- 3.24** The appellant successfully appealed his conviction for sexual assault. The complainant had made a disclosure of sexual abuse by the appellant to a 'Dr. H' and, shortly after, made a disclosure to his mother. No issue was taken with the admission of recent complaint evidence. The Court of Appeal held that evidence of complaint is not evidence of truth. The Court stated that instead, it is evidence to show consistency on the part of the complainant and this should be made clear to the jury. Such an instruction was not given in this trial. The Court was satisfied that this instruction was of crucial importance because this was critical evidence used against the appellant. The Court subsequently quashed the conviction.

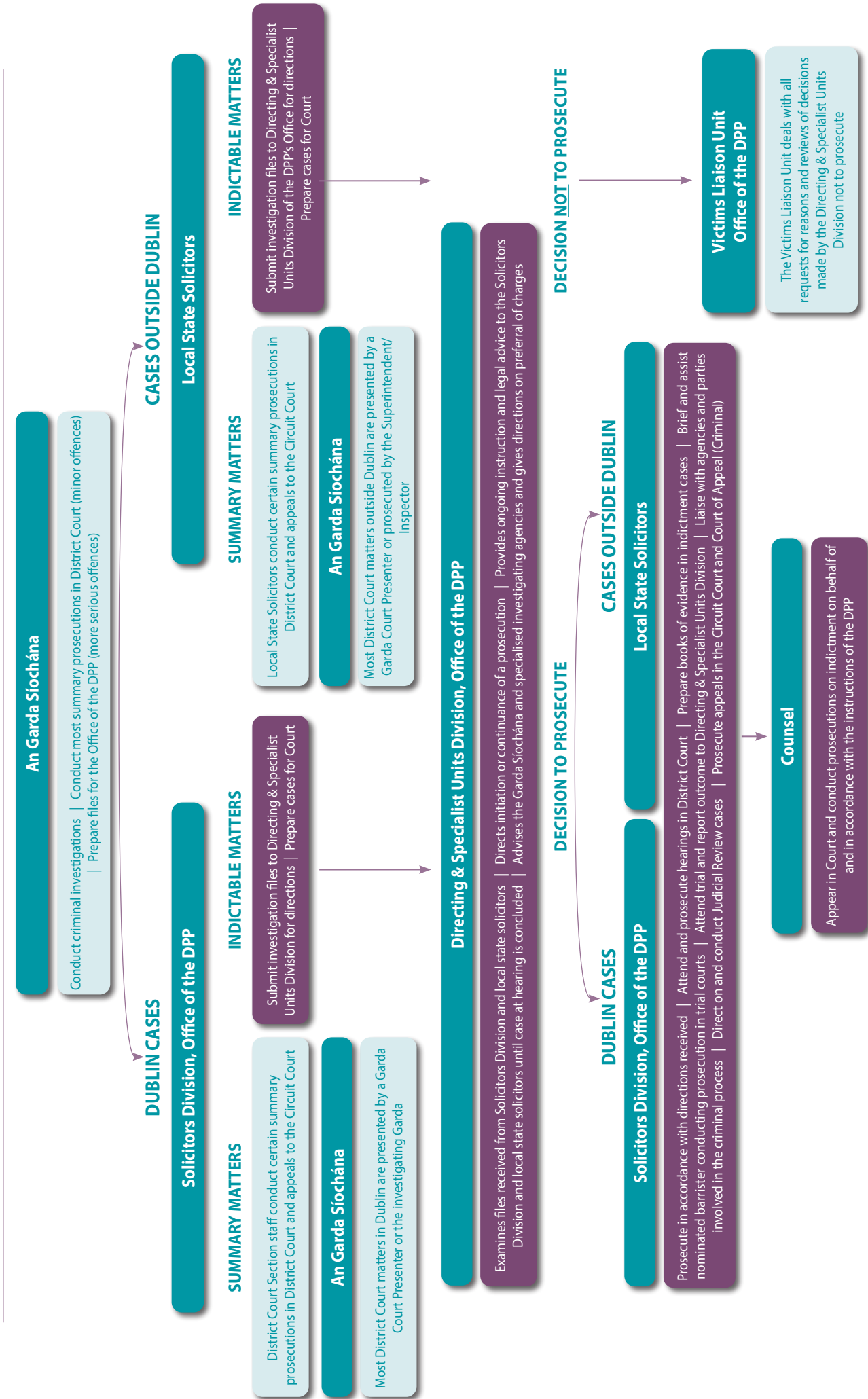
Appendices

Appendix 1: Organisation Structure

(June 2024)



Appendix 2: Criminal Prosecution Process in Ireland



Appendix 3: Office Expenditure

The Office received a €6.5m (13.4%) increase to our gross budget allocation for 2023. This additional funding included a €3.5m increase in our pay budget, providing for 41 additional staff to be recruited in 2023 bringing our authorised headcount above 300 for the first time. It also included a €2.5m increase in our fees to counsel budget to respond to demand led pressures arising from a general increase in the level of court activity.

Chart A3.1 shows the breakdown of Office expenditure for 2023, 2022 and 2021.

Salaries and Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 31 December 2023 was 265 (260.10 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 30 State Solicitors in private practice who are contracted to this Office to represent the Director in courts outside Dublin.

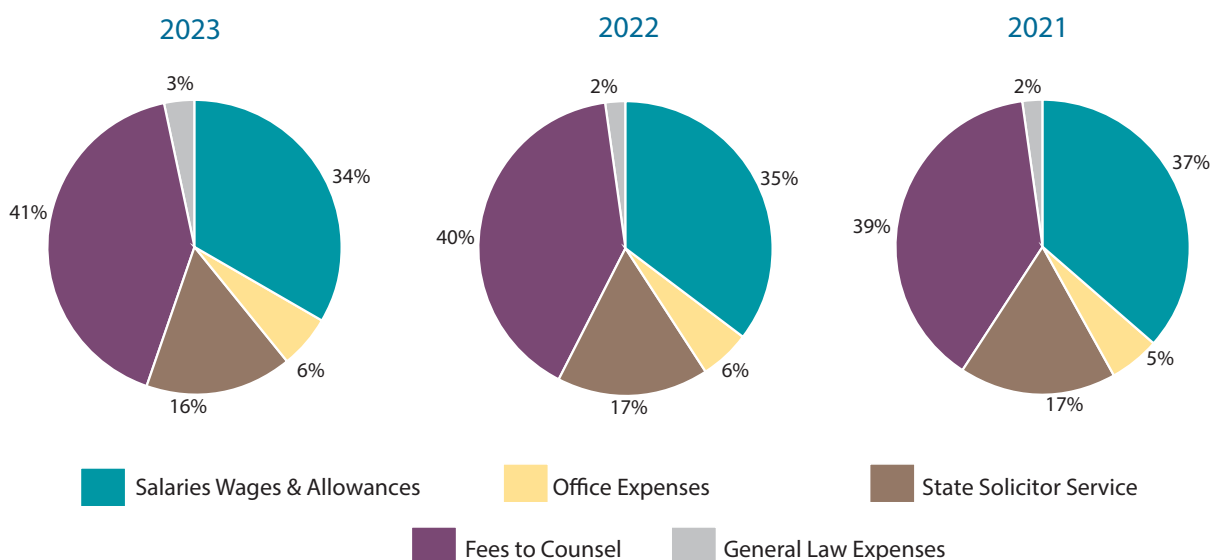
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts. Fees are set within the parameters set by the Minister for Public Expenditure and Reform.

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 A3.1 for Salaries, Wages and Allowances and Office Expenses are net of pension-related deductions and Appropriations-in-Aid respectively.

Chart A3.1: Office Expenditure

	2023 €	%	2022 €	%	2021 €	%
Salaries Wages and Allowances	19,617,719	34%	17,704,360	35%	16,294,740	37%
Office Expenses	3,384,673	6%	2,842,772	6%	2,367,390	5%
State Solicitor Service	9,516,091	16%	8,333,219	17%	7,748,897	17%
Fees to Counsel	24,115,087	41%	20,071,958	40%	17,143,233	39%
General Law Expenses	1,912,582	3%	1,094,932	2%	917,865	2%
TOTAL	58,546,152		50,047,241		44,472,125	



Despite the increase to our annual gross budget, we had to seek a supplementary estimate of €4.5m in November 2023. There were a number of factors which gave rise to this, but primarily it was due to demand led pressures on expenditure on counsel fees which is to a large extent dependent on the level of activity in the courts at any time. In this regard, there was a general increase in the number of indictable prosecutions directed across all courts in 2023, and a significant increase in activity in the Central Criminal Court where the number of judges assigned increased from five to twelve in recent years. This resulted in a significant increase in court sittings, trials and lists to be supported by our Office. Overall, fees to counsel increased by 41% between 2021 and 2023, all of which is born out in the charts below.

Charts A3.2 and A3.3 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, for example, for sentence.

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

Chart A3.2: Fees to Counsel Paid by Court

	2023	%	2022	%	2021	%
	€		€		€	
Circuit Court	10,697,182	44%	9,179,868	46%	7,975,532	47%
Central Criminal Court	8,711,777	36%	7,274,706	36%	5,138,133	30%
High Court	1,839,503	8%	1,655,887	8%	1,720,376	10%
Supreme Court	541,432	2%	188,245	1%	314,153	2%
Court of Appeal	1,297,271	5%	830,969	4%	1,031,091	6%
Special Criminal Court	981,572	5%	891,798	4%	941,449	5%
District Court	46,350	0%	50,485	0%	22,499	0%
TOTAL	24,115,087		20,071,958		17,143,233	

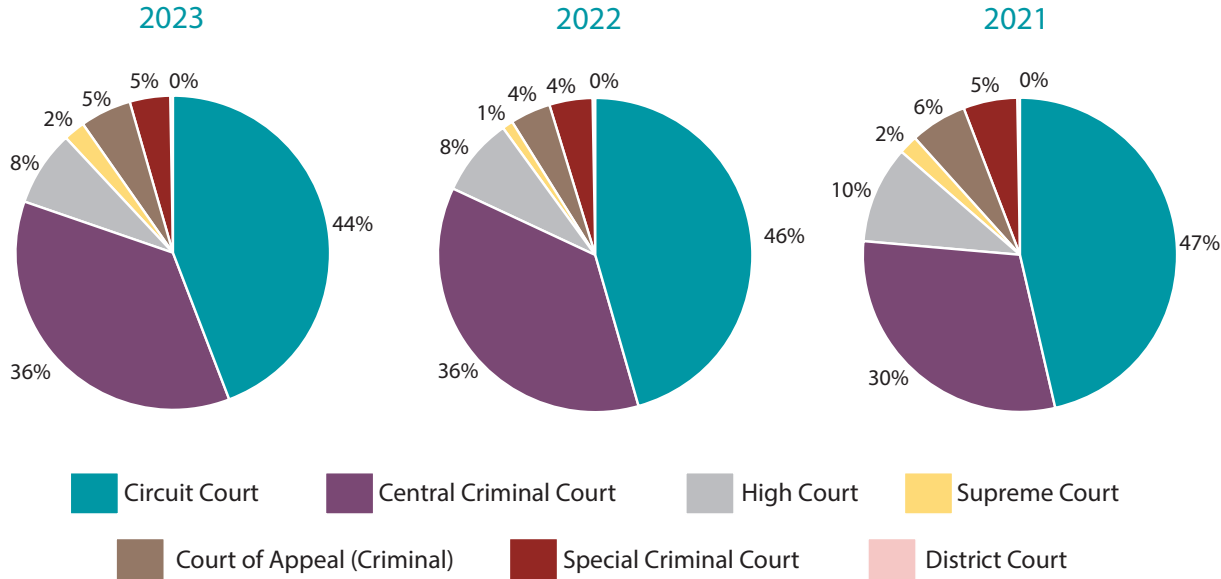
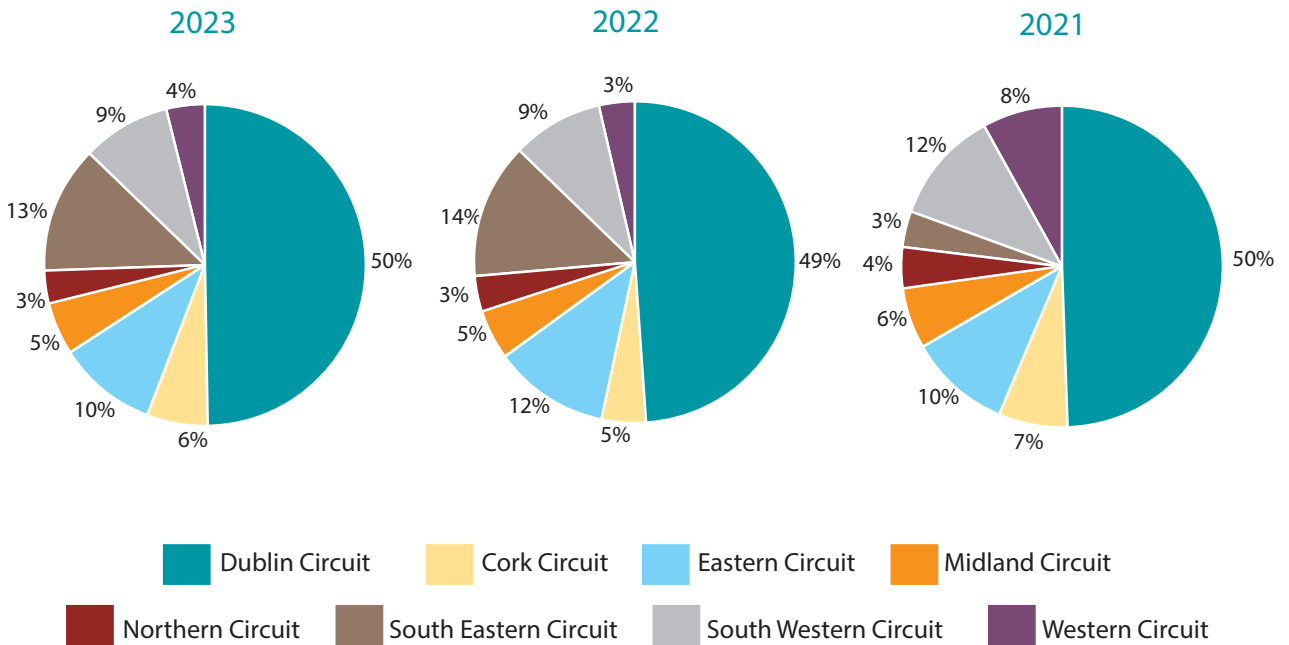


Chart A3.3: Fees to Counsel Paid by Circuit

	2023	%	2022	%	2021	%
	€		€		€	
Dublin Circuit	5,323,871	50%	4,506,464	49%	3,961,483	50%
Cork Circuit	670,446	6%	414,511	5%	537,262	7%
Eastern Circuit	1,075,354	10%	1,064,775	12%	818,568	10%
Midland Circuit	542,458	5%	456,502	5%	496,404	6%
Northern Circuit	1,374,826	13%	1,242,909	14%	280,688	3%
South Eastern Circuit	959,771	9%	849,310	9%	926,432	12%
South Western Circuit	392,885	4%	309,766	3%	624,217	8%
Western Circuit	357,571	3%	335,631	3%	330,478	4%
TOTAL	10,697,182		9,179,868		7,975,532	



Extract from Appropriation Account 2022

Account of the sum expended in the year ended 31 December 2022, 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		2022	2021
		€000	€000	Outturn €000	Outturn €000
PROGRAMME EXPENDITURE					
	<i>Original</i>	48,652			
	<i>Supplementary</i>	3,445			
			52,097	50,878	45,244
Gross Expenditure			52,097	50,878	45,244
	<i>Deduct</i>				
B. Appropriations-in-Aid			820	831	772
Net Expenditure					
	<i>Original</i>	47,832			
	<i>Supplementary</i>	3,445			
			€51,277	€50,047	€44,472
Surplus for Surrender					
The surplus of the amount provided over the net amount applied is liable for surrender to the Exchequer					
				2023	2022
Surplus to be Surrendered				€1,229,759	€231,875

Prompt Payment of Accounts Act 1997

Late Payments in Commercial Transactions Regulations 2002

Operation of the Act in the period 1 January 2023 to 31 December 2023

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.

In the period in question, the Office made 12 late payments in excess of €317.50. The value of these payments was €24,760. The total value of late payments in the year amounted to €24,964 out of total payments of €3.4 million, and interest and penalties thereon came to €1,215.42.

Statement of the Accounting Officer

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.

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.

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

Marion Berry
Accounting Officer
March 2024

Appendix 4: Public Sector Equality and Human Rights Duty

Implementing the Public Sector Equality and Human Rights Duty in the Office of the DPP

A4.1 Section 42 of the Irish Human Rights and Equality Commission (IHREC) Act 2014 establishes a duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of both staff and the people to whom services are provided. The Act requires public bodies to assess, address and report on progress in relation to equality and human rights, in a manner that is accessible to the public.

A4.2 The Office of the DPP's Strategy Statement details how we will continue to emphasise and promote equality and human rights through our day-to-day work, delivering the prosecution service in an effective and fair way, with integrity and respect for human dignity. We also ensure that these duties are emphasised for our staff. We have continued to promote the equality and human rights training provided by the civil service wide initiative, OneLearning, in conjunction with IHREC within the Office and this is considered required training for all staff.

A4.3 The following key channels are used by the Office of the DPP to address our Public Sector Duty obligations:

- The **Guidelines for Prosecutors**, incorporating a Code of Ethics, set out the human rights and equality standards which the Director expects all prosecutors to comply with in discharging their functions in relation to victims and those suspected or accused of criminal offences. The Guidelines and Code of Ethics are kept under continuous review.
- Our **Human Resources and Organisational Development (HR-OD) policies** give effect to the human rights and equality issues relevant to staff in the Office. We keep these policies under review to ensure that they meet appropriate human rights and equality standards. As part of their equality work, the HR-OD Unit ensures that when filling roles, the requirements for each are inclusive, and the supports for persons with disabilities who wish to apply for such roles are clearly set out.
- Our **Disability Liaison Officer (DLO)** within the Office plays a critical role in advancing issues for staff with disabilities. The DLO will ensure that the working environment where colleagues with disabilities are employed is supportive of and recognises their particular needs. The DLO will also assist in the assignment of new staff, and identify specific needs (for example, assistive technology) of staff prior to their assignment, transfer or promotion. The DLO will monitor Office statistics in relation to exceeding the minimum 3% target for the employment of people with a disability in the public sector.
- The Civil Service Policy '**Dignity at Work: An Anti-Bullying, Harassment and Sexual Harassment Policy for the Irish Civil Service**', developed in partnership between Civil Service management and staff unions, is in place in the Office. As part of this Policy, the role of the Contact Person is generally provided by the Civil Service Employee Assistance Service. A Contact Person is an individual who can provide general information regarding the Dignity at Work Policy, and other matters related to bullying, harassment and sexual harassment.
- Our **Access Officer** is responsible for ensuring equality of access to information and services provided by the Office of the DPP. This includes ensuring that our website, www.dppireland.ie, is accessible to the widest possible audience, including older people and people with disabilities who may

be using assistive technology. To this end, our website is kept under continuous review for accessibility in line with the Web Content Accessibility Guidelines. The National Disability Authority reviews our site on a weekly basis. Their review produces a report scored out of 100%, highlighting accessibility issues and their severity. Our first score from this review was approximately 50%. We have since improved this score to 73% and continue to rectify the issues highlighted with the goal of further improving our website accessibility.

- The Office also maintains a **suite of information booklets written in plain language approved by the National Adult Literacy Agency**, which are available for victims of crime and the public generally. These booklets are kept under review and updated as required. Further plain language publications are in development.
- Our **HR-OD Unit** is proactive in providing a broad range of learning and development opportunities for all staff. As part of our interviewer training to interview board members, a module on unconscious bias is covered. All new interview board members are required to undergo this training. The Office continued modules on equality and diversity training for our legal staff, introduced training for vulnerable witnesses. In addition, a pilot programme on the topic of unconscious bias was developed and facilitated for legal staff. The review of this pilot showed that it was a very impactful programme and one that we will subsequently roll out to all relevant staff.

Appendix 5: Annual Energy Efficiency Report 2023

Overview of Energy Usage in 2023

A5.1 In 2023 the Office of the Director of Public Prosecutions consumed 930.43MWh 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 on Infirmity Road. This figure is compiled as follows:

- 401.02MWh of Electricity
- 529.41MWh of Natural Gas

While energy management measures were maintained, this represented a decrease in energy consumption over 2022 amounting to 6.7%. This can for the most part be attributed to the following:

- improved knowledge and understanding of Building Management Systems which resulted in more efficient use of heating controls.
- A review of efficiency of water heating controls; *and*
- Campaigns resulting in an increased awareness and contribution from staff towards hitting our energy efficiency targets.

Actions Undertaken in 2023

A5.2 During 2023, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. Small project based savings were realised. Actions taken otherwise during 2023 include the following:

- Continued monitoring of existing energy management systems, and the switching off of gas boilers for extended periods over the summer;
- Boiler systems were maintained and added heating system controls were used to monitor and refine energy consumption levels;

- 24/7 timer controls were installed across water heating systems and on selected electronics;
- A review of refrigeration equipment resulted in procurement of more energy efficient solutions to meet our office needs;
- The OPW Building Management System (BMS) continued to be 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; *and*
- Adoption of energy saving measures in line with the 'Reduce your Use' energy saving initiative in the public sector.

Actions Planned for 2024

A5.3 Actions planned for 2024 include the following:

- Continue to maximise the use of the Building Management System
- to identify and achieve incremental savings in energy consumption;
- Progress proposals for targeted insulation measures;
- Progress pilot schemes for radiator equipment upgrade and extension of sensor controlled lighting systems;
- Continuation of awareness campaign using signage and posters;
- Explore and incorporate specific energy saving measures in all build projects in the future; *and*
- Develop proposals for further reduction in energy consumption arising from an energy audit report on buildings carried out in 2024.

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

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