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## Foreword

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It is with pleasure that I introduce the Annual Report for 2007.

I welcome the opportunity to present to the public an account of the work undertaken by the Office of the Director of Public Prosecutions during the calendar year 2007. The main body of that work is of course the prosecution of criminal cases. Chapter 8 of this report contains detailed statistical information in relation to this area of our work and I hope that you will find it both useful and informative. Again in 2007 the prosecution file work of the Office increased in both volume and complexity, with an increase of 2.2% in the number of cases referred to the Office during the year.

I am pleased to report that the Head of the newly established Prosecution Policy Unit was appointed at the end of 2007 and the unit commenced work in January 2008. I had long felt that a Policy Unit was needed to concentrate on fundamental long-term policy questions, to manage responses to international and national criminal justice policy proposals on which our views are frequently sought, to address such matters as guidelines and standards for prosecutions, and to develop and implement proposals to assist in ensuring a consistency of approach in prosecutorial decisions as well as ensuring a consistency of approach by barristers and solicitors presenting cases on behalf of the Office. The advent of the new unit is a most welcome development.

One of the most significant developments during 2007 was the completion of an examination of the current policy of the Office not to give reasons for prosecutorial decisions to victims of crime or the families of deceased victims. It is my view that if a method of giving reasons to victims without doing injustice to others could be devised then, in the interests of fairness to victims, we should attempt to



do so. The examination included a detailed analysis of the policies of prosecution services in other jurisdictions; Irish jurisprudence on decision-making; and the jurisprudence of the European Court of Human Rights. A Discussion Paper outlining the analysis was completed at the end of 2007 and published in January 2008 with a view to stimulating debate and initiating a wide ranging public consultation process. At time of writing, my Office is considering all submissions received and views expressed during the consultation process. I hope to be in a position to come to a final conclusion on the matter in the very near future.

Accommodation continues to pose significant problems for our Office. We remain located in two buildings and are due to occupy a third towards the end of 2008, as we await relocation to a single site. These physical divisions are highly problematic for integration and development, but also in practical terms, in that services must be duplicated with the

inevitable consequence that we cannot operate with optimum efficiency. However, we look forward in the longer term to our planned move to a single site adjacent to the new criminal court complex currently under construction in Parkgate Street.

Finally, I would like to thank the staff of the Office for their hard work this year, and for their dedication and commitment to the delivery of a prosecution service that is independent, fair and effective. I thank the state solicitors and the counsel who act on my behalf, who present the public face of the Office and represent it with a high degree of professionalism. I must also thank the Gardaí and other investigative agencies with whom we work for the invaluable work they do.

A handwritten signature in black ink, reading "James Hamilton". The signature is written in a cursive style with a large initial 'J'.

James Hamilton  
Director of Public Prosecutions  
June 2008

## **MISSION STATEMENT**

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

# 1 THE GENERAL WORK OF THE OFFICE

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

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

**1.3** The Office of the Director of Public Prosecutions has three divisions:

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

The Solicitors Division, headed by the Chief Prosecution Solicitor, acts as the Director's principal solicitor in the preparation and presentation of cases in the Dublin District and Circuit Courts, the Central Criminal Court and Special Criminal Court, the Court of Criminal Appeal and the High and Supreme Courts. Outside of the Dublin area 32 local state solicitors, engaged on a contract basis, provide a

solicitor service in the Circuit Court and in some District Court matters in their respective local areas.

The Administration Division provides organisational, infrastructural, administrative and information services required by the Office and also provides support to both the Directing and Solicitors Divisions.

**1.4** The work of the Office includes:

- the consideration of criminal investigation files submitted to the Office
- deciding whether or not a prosecution should be initiated or whether a prosecution already initiated should be maintained and the advising of any further investigations necessary for the commencement or continuation of a prosecution
- the determination of the charges to be preferred and the consideration of any charges already preferred
- the determination of the proofs and other materials to be tendered to the court and to the accused, including issues regarding the disclosure to the defence of unused material
- presentation of criminal prosecutions in the district courts of the Dublin Metropolitan District and appeals therefrom to the Circuit Court
- preparation and presentation of all indictable criminal prosecutions listed in Dublin - this includes trials in the Circuit Criminal Court, Special Criminal Court and the Central Criminal Court

- the nomination and instruction of Counsel in the various trial courts as well as the High and Supreme Courts and the Court of Criminal Appeal
- the giving of instructions regarding the conduct of the prosecution of criminal trials including the issuing of decisions regarding the many questions of law and of public policy which can arise in the course of criminal proceedings
- conferring as necessary with Counsel, local state solicitors, members of the Garda Síochána and professional witnesses
- the determination and discharge of the fees of Counsel who are instructed to act on behalf of the Director
- deciding whether appeals, including appeals by way of case stated, should be brought or contested, and bringing and defending proceedings for judicial review
- defending bail and *habeas corpus* applications arising out of criminal proceedings
- the referral of sentences considered to be unduly lenient to the Court of Criminal Appeal
- the consideration of complaints and allegations of the commission of criminal offences received from members of the public and, where appropriate, their transmission to the Garda Commissioner
- the consideration of files submitted by the Garda Síochána Complaints Board and more recently the Garda Síochána Ombudsman Commission
- the drafting or settling of documents necessary for the processing of requests for extradition into the State
- the drafting and making of requests for international mutual assistance in criminal matters
- participating in and contributing to committees and working groups in relation to criminal law and procedure; facilitating specialised training programmes on aspects of the prosecution of crime for the Garda Síochána; and organising conferences on criminal justice topics for the benefit of our stakeholders
- cooperating with and participating in joint initiatives with other agencies with an interest in and responsibility for aspects of criminal justice, including the Garda Síochána; the Revenue Commissioners; the Competition Authority; the Director of Corporate Enforcement; the Health and Safety Authority; other prosecution agencies; the Courts Service; the Department of Justice, Equality and Law Reform; the Law Reform Commission; the Forensic Science Laboratory; the State Pathologist; the Medical Bureau of Road Safety; the Office of the Attorney General; as well as organisations representing the interests of victims of crime.

# 2 THE YEAR IN REVIEW

**2.1** In January 2007 the Office of the Director of Public Prosecutions began the implementation of its three year Strategy Statement for the period 2007 - 2009. The key priorities for the Office during that period were outlined as being the maintenance of standards in prosecutions; managing new responsibilities conferred on the Office; and continuing with the civil service modernisation agenda.

**2.2** The Strategy Statement also outlined a number of challenges for the Office which included the completion of negotiations for the transfer to the Office of responsibility for the State Solicitor Service which deals with criminal trials outside Dublin; placing the victim of crime at the centre of the criminal justice system without compromising the principle that the Office represents the People of Ireland as a whole; and

ensuring that the new oversight role conferred on the Office by section 8(4) of the Garda Síochána Act 2005 with regard to prosecutions in the District Court by members of the Garda Síochána is effectively discharged.

**2.3** This chapter outlines the progress made by the Office during 2007 in delivering on the objectives set out in its Strategy Statement and the developments that took place in order to meet the challenges facing the Office during that time.

## Legal Environment

**2.4** One of the most significant developments during 2007 was the realisation of the transfer of the State Solicitor Service from the Attorney General to the Director of Public Prosecutions. Following



**ABOVE:** State Solicitors photographed to mark the transfer of the State Solicitor Service from the Attorney General to the Director of Public Prosecutions.

**L-R (back row):** Seamus Boyle, Kildare North; Frank Hutchinson, Waterford; Hugh Sheridan, Sligo; Kevin O'Doherty, Wexford; John Brosnan, Cork S.E.; Barry Healy, Monaghan; Gerry Meaney, Kilkenny; Seamus Hughes, Mayo; Kieran Madigan, Roscommon; Michael D. Murray, Limerick City; Rory Benville, Wicklow East; Mark Connellan, Longford; Ciaran Liddy, Donegal.

**L-R (front row):** Malachy Boohig, Cork W.R.; Geraldine Gillece, Kildare South; Declan Hoban; Barry Donoghue; Director; Claire Loftus; Frank Nyhan, Cork N.E.; Peter Jones, Westmeath; Rory Hayden, Cavan; Martin Linnane, Clare;

protracted negotiations on new contracts which set out specific and comprehensive service delivery commitments, a Statutory Instrument was signed by the Taoiseach on 15 May 2007 giving effect to the transfer. The transfer was the final recommendation of the Public Prosecution System Study Group to be implemented and is a major achievement for the Office. A significant amount of work was undertaken in the latter half of 2007 in putting structures in place for the administration and management of the State Solicitor Service. As part of this initiative, the Chief Prosecution Solicitor undertook a familiarisation programme during which she visited state solicitors around the country. The programme served to strengthen relationships between this Office and the state solicitors and provided an opportunity to discuss specific issues and those of a more general strategic nature.

- 2.5** Another important development during 2007 was the receipt of sanction to create a Prosecution Policy Unit within the Office. The Unit will have responsibility for formulating prosecution policy and for advising on policy documents referred to this Office for consideration. By December 2007 following an open competition, the Head of the Policy Unit was selected, although the appointee did not



**ABOVE:** Kate Mulkerrins, appointed to the position of Head of Prosecution Policy Unit.

take up the appointment until 2 January 2008. A further competition was conducted in early 2008 for the position of Deputy Head of the Unit.

- 2.6** In order to build on the work which has been done by this Office over the last number of years in relation to the confiscation of the proceeds of crime, it was decided to establish a dedicated unit to further develop the procedures for recovery of assets. The Confiscation of Assets Unit was established within the Office in August 2007 and a senior manager was appointed as Head of the Unit. The work of the Unit is set out in detail in Chapter 5 of this report.
- 2.7** On 1 February 2007 section 8 of the Garda Síochána Act 2005 came into effect. The section creates a new oversight role for this Office with regard to prosecutions taken in the District Court by members of An Garda Síochána. A General Direction was issued by this Office to An Garda Síochána in January 2007 containing instructions in relation to the institution and conduct of prosecutions by An Garda Síochána. This Office also published a revised edition of our Guidelines for Prosecutors taking account of the introduction of section 8 of the Act. Copies of the Guidelines were furnished to An Garda Síochána for distribution to sergeants, inspectors and superintendents with operational responsibility for the commencement and management of prosecutions under the Act.
- 2.8** Arising from the expanded and more complex legal responsibilities being discharged by the Office, sanction was sought and received during 2007 for the recruitment of additional staff. In all, six positions were advertised through open recruitment, including the position of Head of the Prosecution Policy Unit. In addition, a number of appointments were made to legal positions at various levels in both the Solicitors and Directing Divisions of the Office. These included the appointment of a Deputy Chief Prosecution Solicitor in July 2007. By the end of 2007 the total staff complement for the Office was 203, as compared to 174 at the same time the previous year.





- 2.9** In recognising its staff as a key resource in the provision of services, the Office invests heavily in legal and developmental training for professional staff. Of the €494,014 (4.28% of payroll costs) invested in staff training and development during 2007, €141,347.20 was dedicated specifically to legal training, including attendance at legal seminars and conferences both nationally and internationally.
- 2.10** The Office's Legal Training Steering Group monitors and reviews training needs and oversees the development and implementation of a programme of continuous legal education for professional staff.
- 2.11** In the interests of ensuring the integration and development of the two legal divisions of the Office which are located in two separate buildings, the Office continued during 2007 with the implementation of a programme of Legal Network Meetings. The meetings afford staff members the opportunity to meet colleagues on a regular basis to discuss topical legal issues and to encourage networking across the two legal divisions. During 2007 four such meetings took place and topics covered included Evidence and the Criminal Justice Act 2006.

- 2.12** The Library and Information Service continued during 2007 to provide staff with timely, relevant and up-to-date legal information through the library management system, its digital archive and a comprehensive suite of electronic resources. The Library and Information Service also developed an Information Skills Training Programme during 2007 to encourage users to maximise the use of library resources and enhance their information retrieval abilities. The first module of the programme focused on legal know-how and internal legal information available on iLink. The catalogue iLink offers access to the library collection, personalised library accounts and our full suite of electronic resources. The second module concentrated on the new electronic legal journals collection which is a shared service with the Office of the Attorney General and the Chief State Solicitor's Office.

### Strategic Management

- 2.13** The Office continued during 2007 to remain focused on a range of strategic management issues with a view to ensuring the provision of an efficient and effective quality service. Initiatives included organisational changes, a range of Human Resource initiatives, a major IT project and the development of existing IT systems to increase efficiencies and levels of service both to suppliers and staff.
- 2.14** A Delegation Protocol was drawn up between the Directing Division and the Solicitors Division of the Office whereby, in appropriate cases, prosecutorial decisions can be made by solicitors in the Solicitors Division without reference to the Directing Division. Ultimately, this will reduce the number of files forwarded to the Directing Division for decision and thereby avoid duplication of work and will promote more expeditious and efficient processing of files in certain categories of offences.
- 2.15** As a result of discussions between management and unions, agreement was reached during 2007 for all internal promotion to legal posts

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**ABOVE:** Eileen Creedon, appointed to the position of Deputy Chief Prosecution Solicitor.

within the Office to be opened to legal staff in both Divisions of the Office. This agreement on cross-stream promotion will make promotion competitions more competitive by widening the pool of candidates for promotion posts and will provide wider career opportunities for professional staff. It will also serve to promote greater integration of staff from both legal divisions.

- 2.16** The go-live date for implementation of the new Case, Document Management and File Tracking (CDMFT) system was extended during the year in order to facilitate the development of software which proved more complex than initially envisaged. Development and testing of automated workflows to support the work of the Office also took longer than anticipated. However, the delay in implementation must be balanced against the necessity to ensure that the final product meets the required standard and does not jeopardise the smooth operation of the prosecution service. The delay will not impact on the overall cost of the system as it is being developed under a fixed price contract.
- 2.17** The CDMFT system will act as a single point of access for our legal cases across both legal divisions and will provide an integrated system to manage prosecution files across the organisation. Feedback from initial user testing during the year, by both administrative and legal users, has been very positive. The new go-live date for implementation of the system is now October 2008 and at time of writing we are on target to meet that deadline.
- 2.18** In our last Annual Report we reported the upgrading of our accounting software to facilitate processing payments by Electronic Funds Transfer (EFT). During 2007 we continued to extend this facility to an ever increasing number of our suppliers. By the end of 2007 approximately 70% of our regular suppliers, including barristers on our prosecution panel, were being paid electronically. This has greatly improved the efficiency and security of payments. Payment of expenses to staff by EFT was fully implemented in early 2007 resulting in all travel and subsistence claims now being processed electronically.

**2.19** Subsequent to the transfer of the State Solicitor Service to the Director of Public Prosecutions in May 2007, this Office took over responsibility for the payment of travel and incidental expenses to all state solicitors. Responsibility for all payments due to state solicitors under their contracts devolved to this Office from the Chief State Solicitor's Office on 1 January 2008. While this represents a significant increase in work for the Office it enables us to provide a more efficient and streamlined service directly from this Office to state solicitors.

**2.20** During the course of the year our Integra accounting system was modified to facilitate the implementation of the new interface with the Office of the Paymaster General (PMG). The required customisation of our accounting package was completed in August 2007 and implemented successfully. Details of our financial transactions are now transferred electronically to the PMG system. The modification will improve the security of payments and will automate cumbersome, labour intensive procedures.

**2.21** In 2007 the Office presented its first Vote Output Statement to the Dail Committee on Finance and the Public Service. The statement is a key element of the Budget and Estimates reform measures announced by the Minister for Finance in 2006. It is designed to match key outputs and strategic impacts to financial and staffing resources for the year. A copy of the Output Statement is attached at Appendix I of this report.

**2.22** In March 2007 a member of legal staff was appointed as a dedicated Costs Officer within the Solicitors Division. The sole function of the Costs Officer is to process all files where costs have been either awarded to or against the Director. In November 2007 the Office also established a Costs Group. This high level group is tasked with examining our policy on costs and acting as a steering group on payment by the Office of legal costs and the recovery of costs awarded in our favour.

**2.23** During 2007 the Office, together with the Centre for Management & Organisational Development (CMOD) in the Department of Finance, continued

to monitor our Peoplesoft Human Resources Management System (HRMS) subsequent to the upgrading project in 2006. Training has been given by CMOD on Pension Pages, which will involve pension details for all staff being input on the system. In addition, details of the Performance Management Development System (PMDS) Annual Review Forms are now recorded on Peoplesoft HRMS.

**2.24** The Office is also participating in testing on the generic link for Peoplesoft HRMS and Vision Time (Time & Attendance System) which is currently being piloted by the Department of the Taoiseach. It is hoped to have the interface operational in this Office by the end of 2008. When operational, the link will eliminate duplication of data entry and thereby increase efficiency.

**2.25** The new integrated model of the Performance Management and Development System (PMDS) was implemented during 2007. The new model integrates assessment processes for increment approval, higher scales assignment and promotion into the existing PMDS model. The Office undertook a trial run of the integrated model during 2006, and subsequently a subgroup of our Partnership Committee carried out a survey on its implementation. The results

of the survey indicated that more guidance was required for managers and staff in relation to certain aspects of the new model. As a result, additional workshops and training for managers and staff were arranged. The new integrated model was fully operational by December 2007.

**2.26** New probation procedures have been agreed by the PMDS sub group of our Partnership Committee. Supervisors and managers will be briefed on these, which provide for the induction and management of new staff appointed under the one year probationary contract period, as set out in the Civil Service Regulation Act 2005. Training will encompass the relevant civil service regulation requirements.

## Governance

**2.27** The Office continued during 2007 to provide as much information as possible to the public with regard to how we discharge our functions, through publication of Annual Reports, Strategy Statements, Guidelines for Prosecutors and information booklets. Our website is also a source of information for the public and provides a range of information about how the Office operates. During 2007 we recorded a total of 85,434 visits to our website. This represents a 30% increase over the 2006 figure.

**2.28** Public confidence in the reliability of the information provided by this Office is essential. For this reason we have in place an Audit Committee which is tasked with systematically reviewing the control environment and governance procedures in the Office. The Committee has a role in promoting good accounting practices, ensuring better and more informed decision-making and improved focus on value for money throughout the organisation. During 2007 the Audit Committee examined Business Continuity Planning within the Office; carried out a review of the effectiveness of the system of internal control; and undertook a review of the implementation of recommendations in previous Audit Reports.



**ABOVE:** Charlotte Points, Training Consultant, facilitating a PMDS Integrated Model training workshop in December 2007.



**2.29** The Office of the Director of Public Prosecutions is committed to the public service modernisation programme and during 2007 submitted two progress reports to the Civil Service Performance Verification Group outlining the progress made by the Office in delivering on our commitments under the social partnership agreement Towards 2016. In May 2007 representatives from the Office appeared before the Group to provide more detailed information on various aspects of our progress reports. The Group deemed that payment of the general round pay increases was warranted based on the progress achieved by the Office during the periods under review.

### Interaction with other agencies in the Criminal Justice System

**2.30** Interaction and co-operation with other agencies involved in the criminal justice system is essential to the provision of a focused, cohesive, effective and quality prosecution service. During the year a number of initiatives were implemented which served to strengthen our relationship with other agencies involved in the criminal justice system. These initiatives will serve to assist in streamlining the provision of a quality service through co-operation and consultation between the agencies involved.

**2.31** The vast majority of the prosecution files received by the Office of the Director of Public Prosecutions are submitted by members of An

Garda Síochána. It is therefore essential that we work closely with the Gardaí to ensure that they are kept informed of and made aware of legal developments in the prosecution of criminal offences. During 2007 staff from this Office facilitated eleven training courses for members of An Garda Síochána from Probation Garda level to Superintendent rank.



**2.32** During the year under review the Office continued to contribute to training programmes in the Law Society of Ireland. Lawyers from the Office delivered a total of 50 hours training in the Law Society during 2007. Topics covered included disposal of indictable offences; venue for trial; advocacy; road traffic offences; and corporate crime.

**2.33** A senior lawyer from this Office participated on a Steering Group established by the Environmental Protection Agency to develop a training programme for officers of local authorities who have responsibility for investigating waste management and environmental offences. Our representative advised on the requirements for successful prosecution and how investigation files should be prepared. As a result of the Group's deliberations an intensive training programme was developed. The programme is designed to be delivered to small groups of enforcement officers over the course of several days. Two such programmes took place in 2007.

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**TOP LEFT:** Photographed at a meeting of the Audit Committee, Office of the DPP - L-R (back row): Michael Liddy, Director of Case Work; Clare O'Meara, O'Meara Consulting; Declan Hoban, Head of Administration; Claire Loftus, Chief Prosecution Solicitor. L-R (front row): Mary Keane, Deputy Director General, Law Society; Tom O'Higgins, Committee Chairman; Mary Lane, Secretary to Audit Committee.

**TOP RIGHT:** L-R: Raymond Kitson, Senior Assistant Director, Public Prosecution Service, Northern Ireland; James Hamilton, Director of Public Prosecutions; Barry Donoghue, Deputy Director of Public Prosecutions, photographed at the 8th Annual National Prosecutors' Conference in Dublin Castle.



**2.34** This Office continued to work with the Head of Legal Affairs in the newly established Garda Síochána Ombudsman Commission with a view to finalising a protocol between the two offices. The protocol will underpin the interaction between this Office and the Commission in relation to the preparation and submission of prosecution files. Work on the protocol was completed at the end of 2007 and was signed by both offices in early 2008.

**2.35** In January 2007 this Office hosted its 7th Annual State Solicitors' Seminar. The purpose of these seminars is to provide an opportunity for staff from this Office to meet with the 32 local state solicitors who represent the Director in criminal cases outside Dublin, and to discuss recent legal developments in criminal law and new legislation. The topics covered at the 2007 seminar included aspects of the Criminal Justice Act 2006, the Criminal Law (Insanity) Act 2006, Assets Seizure and developments in relation to communications with victims of crime.

**2.36** The 8th Annual National Prosecutors' Conference took place in Dublin Castle Conference Centre in May 2007. This annual event, organised by this Office, provides an invaluable opportunity to meet with our stakeholders and to facilitate discussion on legal developments and on criminal law issues generally. There were approximately 250 delegates from a variety of disciplines across the criminal justice system in attendance at the conference. Topics covered at the conference included Defence of Diminished

Responsibility; Witness Statements as Evidence; Sentencing the Drug Offender; and The Role of the Prosecutor in Sentencing.



**2.37** The Office of the Director of Public Prosecutions continued during the year in review to participate in and contribute to various inter-agency groups including: the Balance in the Criminal Law Review Group; the Criminal Justice Act Steering Group; the Garda Liaison Group; the Advisory Group on Crime and Criminal Justice Statistics; the Video Interviewing Child Witness Implementation Group; the Interagency Group on Restorative Justice; the Intergovernmental Support for Victims of Crime Project Advisory Group; the Advisory Committee on Codification of Criminal Law; and various Courts Service User Groups.

**2.38** In 2007 the Office continued to engage with academic institutions in order to further our knowledge and understanding of important criminal justice issues. Chief among these projects is a study being undertaken by Conor Hanly of NUI Galway on behalf of Rape Crisis Network Ireland. We have made a significant contribution to the project, which is aimed at better understanding the high rate of attrition among complainants in rape cases, attrition in this context referring to the decreasing numbers of cases that reach each successive stage of the criminal justice process, from Garda station to court.

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**TOP LEFT:** James Hamilton, Director of Public Prosecutions, speaking at the Law Society Seminar in University College Cork in February 2007.

**TOP RIGHT:** Speakers at the 8th Annual National Prosecutors' Conference - Isobel Kennedy SC, Law Library & Sean Guerin BL, Law Library pictured with James Hamilton, Director of Public Prosecutions.



**2.39** Our part in the project has been in the provision of raw material on the prosecutorial aspect of the study. 642 rape files dealt with between 2000 and 2004 have been examined, with a view to identifying the causes and points of attrition. Through participation in the project we have been afforded an opportunity to reflect on the procedures in place for dealing with files concerning sexual violence, particularly in terms of the timeliness of directions, so that we can determine whether practices can be developed to contribute to a reduction in the rate of complainant withdrawal.

**2.40** We also participated in a study being conducted by Professor Dermot Walsh and Jennifer Schweppe examining the efficacy of the criminal law in combating racism. In this regard we provided data on the incidence and outcomes of prosecutions under the Incitement to Hatred legislation. Our links with the law faculties in the universities were further strengthened as we continued our internship programme for final year and postgraduate law students in 2007.

**2.41** The Office also contributes to the development of criminal law at an international level and has participated in a number of initiatives involving various international organisations during the year. We also continued to contribute to the work of international bodies and organisations

including EUROJUST; GRECO; OLAF; Eurojustice, the International Association of Prosecutors; and the International Bar Association.

**2.42** In February 2007 at a meeting of the OECD Working party on Competition Enforcement in Paris, a lawyer from our Directing Division, in association with a lawyer from the Competition Authority, gave presentations in relation to co-ordination and co-operation between prosecutors and competition authorities in dual enforcement systems. These presentations focused, in particular, on matters relevant to the prosecution decision making process and provided an overview of the successful prosecution of cartel offences in Ireland.

**2.43** In November 2007 the Office sponsored a seminar in association with the Irish Centre for European Law and the Trier Academy of European Law. The seminar took place in Dublin and was attended by delegates from across the criminal justice spectrum. The seminar topic was The Impact of the Fight Against Terrorism on EU Law and presentations were given by both national and international speakers.

**2.44** A lawyer from this Office participated in a team of international experts in the evaluation of Finland's adoption of the Council of Europe's Criminal Law Convention on Corruption. The Director was also requested by the Directorate General for Legal Affairs of the Council of Europe to examine draft laws relating to the Public Prosecutor's Office in Moldova and to comment on proposals for strengthening the judiciary in that country. The Director subsequently completed two reports for the Council.

**2.45** In August 2007 prosecutors from Västmanland in Sweden visited Ireland. Part of their visit included a familiarisation programme on the Irish prosecution service. Staff from this Office

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**TOP LEFT:** James Hamilton, Director of Public Prosecutions photographed with the authors of *Standards for Prosecutors: an analysis of the United Kingdom national prosecuting agencies*, Barry Hancock (left), former Senior Inspector in the Crown Prosecution Service of England & Wales and former General Counsel of the International Association of Prosecutors and John Jackson (right), Queens University Belfast.

gave presentations on various aspects of the Irish legal system and facilitated visits to the Bridewell Garda Station and Greene Street Courthouse.



**2.46** In November 2007, at the request of the Department of Foreign Affairs, the Director paid an official visit to Bulgaria to meet the Prosecutor General. During his official visit the Director, at the request of the Venice Commission of the Council of Europe, also availed of the opportunity to do some preparatory work on an opinion on the amendments to the judicial and prosecution system in the Constitution of Bulgaria.

**2.47** The Director also chaired a Working Group set up by the International Association of Prosecutors (IAP) to prepare a protocol setting out the minimum standards in matters of security concerning prosecutors and their families. The Working Group presented a draft recommendation to the IAP Executive Committee in September 2007 for consideration.

### Public Expectations of Service

**2.48** One of the major challenges for the Office is how to place the victim of crime at the centre of the criminal justice system without compromising the principle that the Office represents the People as a whole. In an effort to address this challenge, the Director initiated an examination

of the current policy of not giving reasons for decisions not to prosecute to victims of crime and to the families of deceased victims. The examination was concluded by the end of 2007. A Discussion Paper was published and was widely circulated in early January 2008, inviting submissions from the public and other interested parties. A copy of the Executive Summary of the Discussion Paper is attached at Appendix II of this report. A further report will be published by the Director in 2008 when an analysis of all submissions, consultations and legal issues has been completed.



**2.49** At the request of the Commission for the Support of Victims, the Office updated its Prosecution Service Charter for inclusion in a new edition of the Victims' Charter being prepared by the Commission. The revised edition of the Prosecution Service Charter was completed in May 2007 and edited for plain English by the National Adult Literacy Agency. The Charter outlines the role of the DPP and the services that a victim can expect to receive from the Office. A copy of the revised Victims' Charter is attached at Appendix III.

**2.50** During the year under review the Office continued to liaise with victim support agencies and to contribute to the training they provide for volunteers. Our aim is to give volunteers

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**TOP LEFT:** Denis Butler, Office of the Director of Public Prosecutions, giving a presentation to a group of Swedish prosecutors from Västmanland who visited the Office in August 2007.

**TOP RIGHT:** Speakers at the Seminar on Prosecution Policy on the Giving of Reasons for Decisions - L-R: Barry Hancock, former Senior Inspector, Crown Prosecution Service of England & Wales and former General Counsel of the International Association of Prosecutors; Sue Moody, Deputy Head of Policy Division, Crown Office & Procurator Fiscal Service, Scotland; and, Jim McHugh, Chairman of the Commission for the Support of Victims of Crime.

recruited by victim support agencies a better understanding of the operation of the criminal process and the role of the Office within it.

**2.51** The Office is committed to fulfilling its obligations under the Official Languages Act 2003. All publications produced by the Office are bilingual; the Office website is fully bilingual; and correspondence received in the Irish language is responded to in Irish. The Office also handles a small number of cases in the Irish language in both the Solicitors and Directing Divisions. Work has commenced on the second Irish Language Scheme which will cover the period 2008 - 2011. It is anticipated that the scheme will be submitted to the Minister of Community, Rural and Gaeltacht Affairs in the first half of 2008.



# 3 LEGAL DEVELOPMENTS 2007

- 3.1** The purpose of this chapter is to give a brief review of the more important or interesting decisions and developments in the area of criminal law in 2007.
- 3.2** As in previous years, the cases are chosen to give an indication of the type of legal issues which arise in the area of criminal law. This chapter is not intended to give a comprehensive review of all developments in criminal law during the year.

## Sentencing in Rape Cases

- 3.3** In *People (Director of Public Prosecutions) v. Drought*, unreported, Central Criminal Court, 4 May 2007, Charleton J. undertook a thorough analysis of sentencing in rape cases. The accused in the case was convicted of one count of rape. Before imposing sentence Charleton J. examined all the previous reported and unreported decisions of the Superior Courts which were relevant and conducted an analysis of the sentences imposed. Assistance was also obtained from cases reported in the media. He firstly elucidated the general principles involved in sentencing in rape cases and then sought to ascertain the features or factors which tended to place those convicted for the offence of rape into particular ranges of sentencing from lenient to severe. The judge indicated what the courts have tended to regard as aggravating and mitigating factors.

## The Admission of New Evidence on Appeal

- 3.4** In *People (Director of Public Prosecutions) (respondent) v. O'Regan (appellant)* [2008] 1 ILRM 247, the Supreme Court considered the criteria for deciding whether to admit new evidence on appeal. The appellant was charged with a single offence of rape and was convicted after a second trial. The appellant appealed the conviction to

the Court of Criminal Appeal. The grounds of appeal included an application to be allowed to present fresh evidence of two expert medical witnesses. This application was heard as a preliminary issue. The Court of Criminal Appeal refused the application and further refused to certify a question to the Supreme Court pursuant to section 29 of the Courts of Justice Act 1924.

- 3.5** At the request of the applicant the Attorney General certified the following question to the Supreme Court: whether in all the circumstances the Court of Criminal Appeal was correct in refusing to admit expert evidence to the effect that as a matter of certainty the rape did not occur as alleged by the complainant; and that as a matter of probability, no rape occurred; and in particular: (a) Whether the criteria for deciding whether to admit fresh evidence in the Court of Criminal Appeal includes a requirement that the evidence was not available to the appellant prior to the trial; or whether that issue is merely an important factor in considering the requirements of justice in all the circumstances of the case; (b) Where an application is made to present fresh evidence that was available prior to trial is it necessary to assert or establish unreasonable, irrational, illogical, or negligent conduct of the defence at the trial? In answering these questions the Supreme Court held that the Court of Criminal Appeal had correctly refused to admit the new evidence in question. It held that the criteria for deciding whether to admit fresh evidence on the hearing of an appeal are those set out by the Court of Criminal Appeal in *Director of Public Prosecutions v. Willoughby*, unreported, Court of Criminal Appeal, 18 February 2005: as the public interest required a defendant to bring forward his entire case at trial, exceptional circumstances had to be established before the Court would admit fresh

evidence on the hearing of an appeal, the onus being particularly heavy in the case of expert testimony due to the availability of expertise from a multiple of sources. The evidence must not have been known at the time of the trial and must be such that it could not reasonably have been known or acquired at the time of the trial. It must be credible evidence which might have a material and important influence on the result of the case. The assessment of credibility or materiality must be conducted by reference to the other evidence at the trial and not in isolation. In order to comply with the requirements set out in *Willoughby*, the Court held that it is not necessary to assert or establish negligent conduct on the part of the defence at trial.

### **Drug Offences – Whether There is a *Mens Rea* Element in Relation to Value of Drugs**

**3.6** In *People (Director of Public Prosecutions) v. Power* [2007] 2 IR 509, the Supreme Court considered whether it was a necessary element in the offence contrary to section 15A of the Misuse of Drugs Act 1977, as inserted by section 4 of the Criminal Justice Act 1999, that the accused was aware that the market value of the controlled drug alleged to be in his possession was greater than the statutory amount. The appellant was charged with an offence contrary to section 15A and was convicted and sentenced to a term of imprisonment. He applied to the Court of Criminal Appeal for leave to appeal on the basis that the trial judge failed to direct the jury that it was necessary to prove that the accused was aware the value of the controlled drug alleged to be in his possession exceeded the statutory amount. The Court of Criminal Appeal held that section 15A did not require knowledge of the value of the drugs involved in the offence. The appellant applied for a certificate under section 29 of the Courts of Justice Act 1924 and the Court of Criminal Appeal certified that its decision involved a point of law of exceptional public importance that is to say, in the prosecution of an offence contrary to section 15A of the Misuse of Drugs, 1977 what mental element must the prosecution prove?

**3.7** The Supreme Court held that in the prosecution of an offence contrary to the section 15A of the Misuse of Drugs Act 1977 it was not necessary that the prosecution prove the accused knew or ought to have known that the market value or the aggregate of the market values of the controlled drugs amounted to €13,000 or more. The Court held that the mental element had to be proved by the prosecution in respect of each element of a statutory offence unless the statute expressly or by necessary implication provided otherwise. Read in isolation section 15A did not expressly or by necessary implication provide otherwise. However, in deciding what a statute means, the Court had to take into account the state of the law at the time the enactment was passed. Part II of the Criminal Justice Act, 1994 (confiscation orders) must be read with the Misuse of Drugs Act 1977 and 1984 and those Acts together with Part II of the Act 1994 constitute a code. It follows that in order to succeed in a prosecution under section 15A it is necessary for the prosecution to prove that the accused has in his possession controlled drugs above a certain objective value and it would be “*absurd to construe section 15A as requiring the prosecution to prove that he had knowledge of the value of the drugs.*”

### **Old Sexual Offence Cases – Indecent Assault Upon a Male**

**3.8** In *M (S) v. Ireland & Others*, unreported, High Court, 12 July 2007, the constitutionality of section 62 of the Offences Against the Person Act 1861 was considered. The plaintiff had been charged with 31 offences contrary to section 62 of the Offences Against the Person Act 1861 alleged to have been committed in the 1960's and 1970's. The plaintiff sought a declaration that section 62 of the Offences Against the Person Act 1861 was in breach of Article 40.1 of the Constitution on the basis that it amounted to an unjustifiable inequality before the law, as it imposed a maximum sentence of ten years imprisonment for indecent assault on a male, where the maximum sentence for a first conviction of indecent assault on a female was only two years, as provided for by section 6 of the Criminal Law Amendment Act 1935.

**3.9** In declaring that the statutory maximum penalty provided for in section 62 of the Act of 1861 was inconsistent with the Constitution, Laffoy J. held that the plaintiff had sufficient standing to challenge the constitutionality of section 62 because he had been returned for trial and he was in imminent danger of a determination which would affect his rights. The judge held that section 62 was, on its face, discriminatory on the ground of gender in contravention of Article 40.1 of the Constitution unless the differentiation it created was legitimated by reason of being founded on difference of capacity, whether physical or moral, or difference of social function of men and women in a manner which was not invidious, arbitrary or capricious. However Laffoy J. found that there was nothing in the Act of 1861 or in an objective consideration of the differences of physical capacity, moral capacity and social function of men and women which pointed to a legitimate legislative purpose for imposing a more severe maximum penalty for indecent assault on a male than for the same offence against a female.

### Complaints for the Prosecution of Offences

- 3.10** In *People (Director of Public Prosecutions) v. Monaghan*, unreported, High Court, 14 July 2007, the issue was whether a formal complaint was necessary before bringing a summary prosecution. The facts of the case concerned a brawl in a public house. The accused had complained that he had been assaulted. On a review of the file the Director of Public Prosecutions decided that the appropriate person to charge was in fact the accused. The accused was charged with assaulting the alleged victim and of engaging in disorderly conduct on licensed premises. When the case came on for hearing the alleged victim indicated that he had never made a formal complaint to the Gardaí about the accused. The accused argued that the prosecution's case was fundamentally flawed as there was no evidence of any formal complaint having been made against the accused.
- 3.11** The District Court stated a case for the opinion of the High Court as to whether an accused person could be prosecuted summarily for a non-fatal

offence against the person in circumstances where the decision to prosecute is based on evidence gathered following a complaint made by the accused himself and no formal complaint has been made against the accused by another person. The High Court held that the validity of a prosecution did not depend upon the existence of a complaint. It is the community's rights that are paramount in the prosecuting of criminal offences. It was therefore unnecessary that anyone should complain of being the victim, whether an apparent crime is prosecuted summarily or on indictment. The fact that a different person had been complained of than the person ultimately prosecuted or the fact that the person who first complained was himself prosecuted, did not affect the ultimate interest of the community.

### Corroboration

- 3.12** *The People (Director of Public Prosecutions) v. Dolan*, unreported, Court of Criminal Appeal, 3 May 2007, dealt with corroboration warnings. The case concerns an appeal against the conviction of the applicant in the Central Criminal Court of anal rape and assault arising from the same incident. At the conclusion of the trial in the Central Criminal Court, counsel for the applicant invited the trial judge to give a corroboration warning about the complainant's evidence, as provided for by section 7(1) of the Criminal Law (Rape) (Amendment) Act 1990. A corroboration warning means the jury is told it could be unsafe to convict if there is no independent evidence to back up the complainant's story. In so doing counsel advised the trial judge that there was no material in the case capable of amounting to corroboration such as is required in Irish law. The appeal to the Court of Criminal Appeal concerns the manner in which the trial judge dealt with the application to give the warning to the jury.
- 3.13** The Court of Criminal Appeal found that the essential grounds upon which the trial judge appeared to have relied in making his ruling not to give a warning consisted only of his belief that Mrs. Justice McGuinness had in some prior judgment indicated that to give such a warning was demeaning of women and also that the

Court of Criminal Appeal, in some judgment delivered by it in relation to the warning issue, was seeking to overrule the laws passed by the Oireachtas. Neither judgment could be found. The Court of Criminal Appeal held that there was no reasoned basis for the trial judge's decision not to give a corroboration warning. The Court stressed however that during the course of a trial it cannot be expected that a trial judge would give an elaborate judgment on every legal issue which arises from his or her ruling, but every important ruling must be reasoned and based on legal principle. The trial judge's decision did not meet either requirement.

### Disclosure and Media Interest

**3.14** Many issues were raised in *People (Director of Public Prosecutions) v. Dundon & Others*, unreported, Court of Criminal Appeal, 25 July 2007. The applicants in the case were appealing against their conviction for the murder of Kieran Keane, the attempted murder of his nephew Owen Treacy and the false imprisonment of both. It was undisputed that the events related to ongoing gang-related violence in Limerick. The applicants argued that the convictions were unsafe on several grounds. It was argued, amongst other things, that there was a failure on the part of the prosecution to make full pre-trial disclosure to the defence and that no trial should have taken place because of the public interest and media coverage.

**3.15** As regards the argument that the prosecution failed to make full pre-trial disclosure to the defence, the Court of Criminal Appeal held that the late disclosure of material concerning incidents in relation to which Owen Treacy was arrested did not add significantly to information the defence already had about Owen Treacy's associations, previous convictions, his credibility and his involvement in gangland crime and feuding. Furthermore, the Court held that the undisclosed material provided little additional ammunition for cross-examination. The Court stated that that is not to say that the prosecution has any entitlement to disregard its separate responsibility to make full disclosure, but rather that in the context of the facts and circumstances

of the case, the omission to furnish every last document which might have referred to Owen Treacy was of a less serious nature than it might have been in another case.

**3.16** Addressing the ground of appeal concerning the media and publicity, the Court stated that it was hardly surprising that the trial of the applicants attracted widespread coverage having regard to the fact that ongoing gangland feuds in Limerick are the cause of enormous concern to the entire country. Against this backdrop the Court held that any attempt to empanel a jury whose members were totally unaware of these background difficulties would have been quite impossible. The Court also rejected defence arguments that the trial should have been adjourned to allow a 'fade factor' apply.

### Background Misconduct Evidence in Sexual Abuse Cases

**3.17** In *Director of Public Prosecutions v. McNeill*, unreported, Court of Criminal Appeal, 31 July 2007, considered the issue of misconduct evidence in cases of repeated sexual abuse. This case related to allegations of sexual abuse by the accused, a man in his fifties, against his neighbour, during the period when the complainant was aged between eight and seventeen years old. The accused was convicted on seven out of eight counts of sexual offences during this period. During the trial of the applicant evidence was admitted which detailed the relationship between the complainant and the accused, including evidence of abuse which was not the subject of any specific charge. The applicant sought leave to appeal on the grounds that such evidence should not have been allowed as it was inadmissible prior misconduct evidence.

**3.18** In refusing leave to appeal, the Court of Criminal Appeal considered cases of 'background misconduct evidence': where the evidence was part of the continuing background of the relationship without which the evidence before the jury would be incomprehensible. In deciding what 'background' evidence should be admitted the Court found that the threshold was higher

than mere 'helpfulness' but instead involved a careful balancing exercise. It was held that such background misconduct evidence should only be considered where it has substantial explanatory value and the interests of justice require it to be admissible, even taking account of its potentially prejudicial effect. Where such evidence is admitted the Court held that a trial judge may inform the jury of the danger that the complainant is not being truthful about the allegations which make up the background evidence. Turning to the case before it, the Court held that the trial judge had correctly applied the balancing test for the admissibility of misconduct evidence in this case.

# 4 DRINK DRIVING PROSECUTIONS

**4.1** The purpose of this chapter is to provide an update on caselaw arising out of drink driving prosecutions during 2007.

## Section 49(4) - Intoxilyzer Cases

**4.2** *Colm Fitzpatrick v. Director of Public Prosecutions* - O'Neill J. (20 November 2007). This case establishes that the section 17 Certificate must be handed into Court if the prosecution seek to rely on the presumption contained in section 21 Road Traffic Act 1994. The section 17 Certificate indicates the concentration of alcohol in a breath specimen. The case also touches on the question of the admissibility of secondary evidence and states as follows:

“Where the prosecution in a case such as this wish to prove the content of the statement produced by an Intoxilyzer machine pursuant to section 17(2) but do not produce the statement itself, in my view they should not be permitted to give secondary evidence of the content of that statement unless it is established by evidence that the original statement has been lost or destroyed or for some other reason, it is physically or legally impossible to produce the original.”

**4.3** This allows for the possibility of the introduction of a copy section 17 Certificate pursuant to section 30 of the Criminal Evidence Act 1992 in certain circumstances.

**4.4** *Director of Public Prosecutions v. Ryan Crumley* - Feeney J. (17 December 2007). This was an appeal by way of case stated which dealt with the issue of the necessity for the 20 minute observation period. The question asked was as follows:

“In a prosecution for an offence contrary to section 49(4) and (6) of the Road Traffic Act 1961 (as inserted by section 10 of the Road Traffic Act 1994, as amended by section 23 of the Road Traffic Act 2002), is it necessary for

the prosecution to prove that the arrested person had been observed continuously for a period of 20 minutes prior to such a person being required to provide two specimens of his breath pursuant to section 13(1)(a) of the Road Traffic Act 1994?”

The answer was no. There is no written judgement.

## Cases of Failure or Refusal to Provide a Specimen of Breath

**4.5** *Director of Public Prosecutions v. Shane Canavan* - Birmingham J. (1 August 2007). This case follows a Supreme Court decision in the case of the *Director of Public Prosecutions v. McGarrigle*. The Court held that it was not necessary for the prosecution to prove that the Garda had told the accused the penalties which would follow if he failed or refused to provide a specimen.

**4.6** *Director of Public Prosecutions v. John Condon* - Hedigan J (12 October 2007). In this case, it was held that proof of a 20 minute controlled observation period was not a necessary proof in a case of failure or refusal to give a specimen of breath.

**4.7** *Director of Public Prosecutions v. Sean Malone* - Hedigan J. (15 October 2007). The question asked in the Case Stated was reformulated by the High Court Judge as follows:

“In a prosecution under section 13(2) where the accused is found to have refused [to give a specimen of breath], is it a necessary proof that the Gardaí have gone through all the preparatory steps up to where the display on the Lion Intoxilyzer showed the message “give breath specimen, blow to fill space?”

**4.8** Hedigan J. held that, where the Court comes to the conclusion on the evidence that the accused has refused to comply with the requirement under section 13(1)(a), it would be overly

formalistic for the Gardaí to proceed through the first 11 steps and present the intoxilyzer to the accused where it was clear he was not going to comply.

pending the constitutional challenge to the Intoxilyzer machine. It was held that there was no blameworthy delay by the prosecution.

## Section 49 (Drink Driving) Prosecutions Generally

**4.9** *Director of Public Prosecutions v. Seamus Deegan* - Dunne J. (26 March 2007). This case concerns a sample of urine, which was analysed by the Medical Bureau of Road Safety for the concentration of the presence of alcohol and also for the presence of a drug or drugs. This was held to be in order.

There is no written judgement.

**4.10** *Director of Public Prosecutions v. Shelia O'Sullivan* - Herbert J (31 July 2007). The issue in this case was whether a Garda acted unlawfully by entering onto a defendant's driveway without a warrant, and opening her car door. The answer was no, the Court noting that the defendant had not locked her car door nor tried to stop the Gardaí from opening it nor criticised them for doing so.

**4.11** *David O'Neill v. Judge Patrick McCarton & Director of Public Prosecutions* - Charleton J. (1 August 2007). In this case the defence had questioned the amount of time it had taken the Doctor to arrive at the station so that the requirement for a blood or urine specimen could be made of the defendant. It was one hour, which the Court held, was good service in the real world.

**4.12** *Director of Public Prosecutions v. Ronald Roper* - Birmingham J. (30 July 2007). The Court held that the District Court Judge was incorrect in dismissing the charges against the accused on the basis he had not been processed under the Treatment of Persons in Custody Regulations 1987 without unnecessary delay, in a situation where the prosecution was unable to account for up to 17 minutes of the detention.

## Delay

**4.13** *Director of Public Prosecutions v. Judge O'Leary and various respondents*, Murphy J. (6 December 2007). At issue in this case were a number of District Court cases which had been adjourned

# 5 CONFISCATION OF CRIMINAL ASSETS

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**5.1** In its 2002 and 2004 Annual Reports the Office identified the legal remedies of Criminal Confiscation and Forfeiture of Assets as meriting special attention. This was because taking away the assets of convicted criminals under the provisions of the Criminal Justice Act 1994 (as amended) has been demonstrated to be an effective deterrent to the commission of further criminal offences.

## Criminal Confiscation

**5.2** Under the provisions of section 4 of the Criminal Justice Act 1994 (as amended) once a person has been convicted on indictment of a drug trafficking offence and sentenced, the Court of trial must determine whether the convicted person has benefited from the offence, the extent to which he has benefited and the amount that is realisable to discharge a Confiscation Order. The Court then makes a Confiscation Order for that figure. This is a mandatory investigation and the Court is assisted in identifying the proceeds of drug trafficking by the presumptions set out under section 5 of the Act, i.e. the presumption that any money received by the accused person within six years before the institution of proceedings was received as a payment or award in connection with drug trafficking. These presumptions can be challenged by the accused and in order to succeed, he has to prove on the balance of probabilities that they are wrong.

**5.3** Section 9 of the 1994 Criminal Justice Act 1994 (as amended) applies to offences other than drug offences prosecuted on indictment except that the Court makes a determination only where an application is made by the Director of Public Prosecutions. The presumptions available to the Court under section 4 enquiries are not available in section 9 cases. The monies that can be confiscated under section 9 cases are limited

to the benefit gained from the particular offence for which the person has been convicted. The standard of proof set by the Act under both provisions is the civil standard on the balance of probabilities.

**5.4** The amount set by the Court becomes a judgment debt payable by the convicted person which can if necessary be enforced by a prison term.

**5.5** Under section 24 of the Act the High Court has the power to grant a restraint order freezing the assets of an accused person once the DPP has decided to bring a prosecution. These orders are designed to prevent the dissipation of assets prior to a possible conviction being recorded against an accused person. A receiver can also be appointed before conviction to gather up identified assets, particularly depreciating ones, and either dispose of, or manage them to ensure the maximum value available to the Court if it makes a confiscation order. Section 20 allows for the appointment of a receiver, once a confiscation order has been made, to realise identified assets to meet the sum decided by the Court as being the benefit gained by the accused from his offence.

**5.6** 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. 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 or is intended to be used by any person for use in drug trafficking. An application under section 39 must be made by the DPP and the standard of proof is on the civil standard of the balance of probabilities.

- 5.7** Section 61 of the Act allows for forfeiture of any property used to commit, or to facilitate any offence, in either the District Court or Circuit Court. The recent decision in *Shane Howell v. Judge Patrick Moran and the Director of Public Prosecutions* upheld the power of a court to make an order under this section in respect of the affected property, and the Court may do so whether or not it deals with an offender in respect of the offence in any other way. This Office brings applications under the section in relation to a wide variety of assets, such as cars used to transport criminals to and from crime scenes, as well as money and instruments of crime such as drug preparation equipment found at the crime scene, or near to it.

## Strategy

- 5.8** There is a dedicated Asset Seizing Unit within the Solicitors Division of the Office. This unit is tasked with implementing the strategy outlined by the Office in its 2004 Annual Report and with monitoring and co-ordinating all applications brought under the Act. The Office has assisted An Garda Síochána in the training of Garda officers in the investigation of these issues.
- 5.9** Asset Seizing was specifically addressed at our Annual State Solicitors' Seminars in 2004 and 2007 where presentations were given to all state solicitors.
- 5.10** The Office continues to engage with An Garda Síochána, state solicitors and the Office of the Revenue Commissioner to ensure best practice in the area of criminal confiscation and forfeiture of assets.

## Results

- 5.11** In 2007, approximately 28 confiscation and forfeiture orders were made. These orders totalled €412,300 approximately. During this period, there were also confiscation orders for three section 39 cases totalling €221,570 approximately.

## Conclusion

- 5.12** The Office is committed to ensuring that the remedies available under the Criminal Justice Act 1994 are fully utilised and that the question of 'benefit' is addressed in every prosecution on indictment and, where appropriate, the profits of the criminal activity and instruments used to facilitate such criminality are identified and confiscated.

# 6 EUROPEAN ARREST WARRANT

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- 6.1** The European Arrest Warrant Act, 2003 came into operation on 1 January 2004. Section 2 of the Act defines the European Arrest Warrant (EAW) as a Court decision in one member state of the EU addressed to a Court in 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”.
- 6.2** Requests for the preparation of EAWs are submitted to the Office of the Director of Public Prosecutions by the extradition unit of An Garda Síochána. A lawyer in our Solicitors Division drafts the warrant and submits it for approval to our Directing Division. On receipt of a direction to proceed with the application, our Solicitors Division applies to the courts for a warrant. Applications for EAWs are normally made to a Judge of the High Court sitting in Dublin. When the order has been granted the warrant is then dispatched to the Department of Justice, Equality & Law Reform. The Department then transmits the warrant to the country where it is believed the requested person is residing.
- 6.3** Since the introduction of the European Arrest Warrant Act in January 2004, 177 files requesting the preparation of EAWs were received by the Office of the DPP from the Garda Extradition Section (39 in 2007). In 16 of these files, the application for an EAW was not proceeded with because the requested person had been arrested locally in Ireland, the requested person or the complainant had died or the DPP had so directed. In 17 cases, the drafting and application process is ongoing. In respect of the remainder, 144 European Arrest Warrants have been issued by the Irish courts (34 in 2007). 130 were transmitted to the UK (23 of which went to Northern Ireland and 3 to Scotland), 6 to Spain, 3 to the Netherlands and 1 each to Belgium, Germany, Latvia, Lithuania and Portugal.
- 6.4** 93 of the 144 requested persons were Irish nationals, 34 were British and 2 were from Lithuania. There was one requested person from Albania, America, Australia, the Netherlands, Germany, Ghana, Latvia, Nigeria, Poland, Romania, Spain and Tunisia and three cases where the nationality of the requested person was unknown. The offences for which they were sought covered a wide range of serious offences including murder, sexual offences, drugs offences, thefts and serious assaults. Section 33 of the European Arrest Warrant Act 2003 permits an EAW to be issued only if the offence carries on conviction a term of imprisonment of at least 12 months or, where the requested person is a convicted person, a term of 4 months imprisonment has been imposed. This ensures that applications for EAWs are made for serious offences only.
- 6.5** Of the 144 warrants issued to date, 74 people have been arrested and extradited back to Ireland (25 in 2007). Only one request for extradition was refused. The refusal was based on the passage of time and other considerations. A further 7 have been arrested abroad and are currently before the courts or have had their surrender ordered and postponed because they are serving sentences in the requested country.
- 6.6** Of the remaining warrants, 15 have been discontinued either because the requested person has been arrested locally in Ireland after the EAW issued or because the requested person or the complainant has died. The balance remain unexecuted because the location of the requested person is unknown, having moved address at the time the EAW was dispatched to the requesting country. In these cases the

Garda authorities will continue to liaise with their colleagues in Interpol in an effort to establish the exact location of the requested person.

- 6.7** From the prosecution point of view the EAW is proving to be a very effective instrument in securing the return of accused persons. To work as effectively as it has done to date, the European Arrest Warrant will depend on EU member states continuing to trust each others legal systems and accepting and recognising the decisions of each other's courts.
- 6.8** The Office of the Director of Public Prosecutions does not deal with European Arrest Warrants addressed to the State by other countries. These are dealt with by the Central Authority located in the Department of Justice, Equality and Law Reform subject to the legal advice of the Attorney General.

# 7 FREEDOM OF INFORMATION

- 7.1** Section 46(1)(b) of the Freedom of Information (FOI) Act, 1997 provides a right of access only with regard to records which relate to the general administration of the Office. This in effect means that records concerning criminal prosecution files are not accessible under the FOI Act.
- 7.2** The Office continues to make FOI information available as readily as possible. Our section 5 and 6 Reference Book is widely available both in public libraries throughout the country and on our website at [www.dppireland.ie](http://www.dppireland.ie). This publication outlines the business of the Office including the types of records kept.
- 7.3** The FOI unit can be contacted by telephone or by e-mail at [foi@dppireland.ie](mailto:foi@dppireland.ie). This e-mail address can be used for general queries on FOI but cannot be used to submit a request where an application fee is required.
- 7.4** During 2007 a total of seventeen requests were submitted to the Office. Thirteen of the requests were refused under the Act and two requests were withdrawn. A further two requests were granted in part. The reason for the refusals was that the records sought did not relate to the general administration of the Office.
- 7.5** One of the requests was submitted by a journalist, while the other sixteen requests were made by the general public with a total of fifteen of these requests relating to criminal files.
- 7.6** In the thirteen cases where requests were refused, only two of the people making the request sought an internal review of the original decision. In both these cases the original decision was upheld. One requester then appealed the decision to the Information Commissioner who also upheld the original decision.

Requests Received 2007	
Refused under section 46(1)(b)	13
Withdrawn/dealt with outside of FOI	2
Requests Granted	2
<b>TOTAL REQUESTS</b>	<b>17</b>

Requesters 2007	
Journalists	1
General Public	16

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

# 8 STATISTICS

## Explanatory Note in Relation to Statistics

**8.1** The statistics outlined in this report have been compiled from data taken from our IT systems which are primarily used as a case tracking system and were not designed for the primary purpose of generating statistics. The systems are subject to ongoing development in order to enhance the quality of the data produced.

**8.2** This chapter is broken down into three distinct sections:

- Charts 1 to 6 relate to the receipt of files in the Office and include details on the types of directions made;
- Charts 7 to 11 provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2004 and 2006;
- Charts 12 to 14 provide statistics on Office expenditure.

**8.3** 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 7 to 11 is to take account of the time difference between a direction being made and a trial verdict being recorded. If statistics were to be provided in respect of 2007 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.

**8.4** In this report we have attempted in most instances to include updated versions of the data set out in previous Annual Reports in order to give a fuller account of the progress made since

that data was previously published. Because of the continuous change in the status of cases - for example, a case which was pending at the time of a previous report may now have concluded - information given in this report will differ from that for the same cohort of cases in previous reports. In addition, data from two different years may not be strictly comparable because as time goes on more cases are completed so that information from earlier years is necessarily more complete than that from later years. Unless otherwise stated, data included in these statistics was updated in April 2008.

**8.5** Caution should be exercised when considering these statistics in the light of 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.

Chart 1 shows the total number of files received by the Office of the Director of Public Prosecutions from 1976 to 2007.

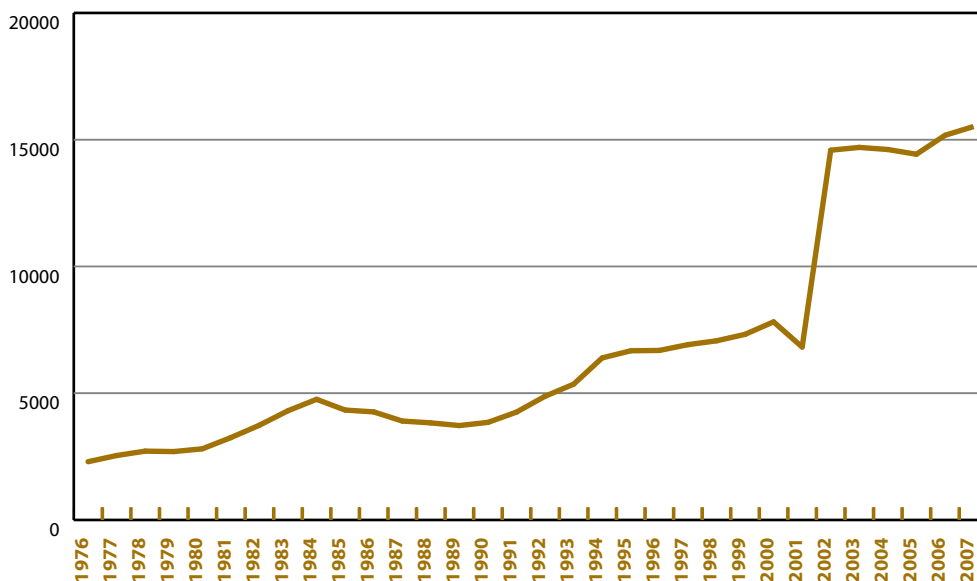
The vast majority of files received in the Office relate to the prosecution of criminal cases. The remainder deal with general queries, applications for judicial review or requests for legal advice from the Garda Síochána or local state solicitors. The number of files received, and the complexity of the issues that have to be addressed, has increased generally since the establishment of the Office.

The significant drop of over 1,000 files from 2000 to 2001 was the result of a change in administrative arrangements authorising the prosecution of certain offences by the Garda Síochána without the necessity for the prior submission of files to this Office for directions. The sharp increase in figures from 2001 to 2002 is due to the transfer of the Criminal Division of the Chief State Solicitor's Office to the Office of the Director of Public Prosecutions in December 2001 to form the Solicitors Division of the Office.

Chart 1 **TOTAL FILES RECEIVED**

Year	Files	Year	Files	Year	Files
1976	2298	1987	3902	1998	7066
1977	2542	1988	3829	1999	7321
1978	2715	1989	3724	2000	7815
1979	2698	1990	3849	2001	6821
1980	2806	1991	4255	2002	14586
1981	3249	1992	4880	2003	14696
1982	3738	1993	5356	2004	14613
1983	4309	1994	6393	2005	14427
1984	4759	1995	6674	2006	15173
1985	4335	1996	6687	2007	15514
1986	4263	1997	6915		

**Total Files Received**



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

Chart 2 represents the number of cases dealt with solely within the Solicitors Division and includes District Court prosecution files, appeals from the District Court to the Circuit Court and High Court Bail applications. The figure for District Court Appeals represents the number of files held, not the number of individual charges appealed. One defendant may have a multiplicity of charges under appeal.

The Solicitors Division also deals with judicial review applications. While some of these applications are dealt with solely within the Solicitors Division, others require to be forwarded to the Directing Division for direction. However, because the dedicated Judicial Review Section is based in the Solicitors Division the total number of judicial review applications dealt with are included in this chart. Those applications which required a direction are also included in the figures for the Directing Division (Chart 3) under the category 'other legal files'. Judicial reviews may be taken by the Director or be taken against him.

**Chart 2 FILES DEALT WITH BY SOLICITORS DIVISION**

	2007	%	2006	%	2005	%
District Court Prosecution Files	2193	32%	2403	36%	2275	36%
Appeals from District Court to Circuit Court	2584	37%	2188	33%	1872	30%
High Court Bail Applications	1728	25%	1718	26%	1721	28%
Judicial Review Applications	414	6%	359	5%	373	6%
<b>TOTAL</b>	<b>6919</b>		<b>6668</b>		<b>6241</b>	

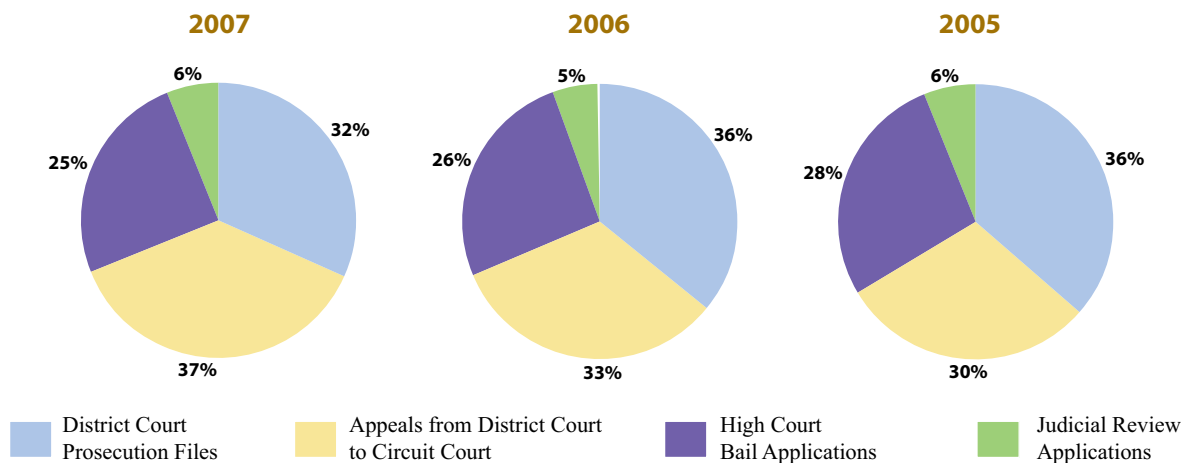
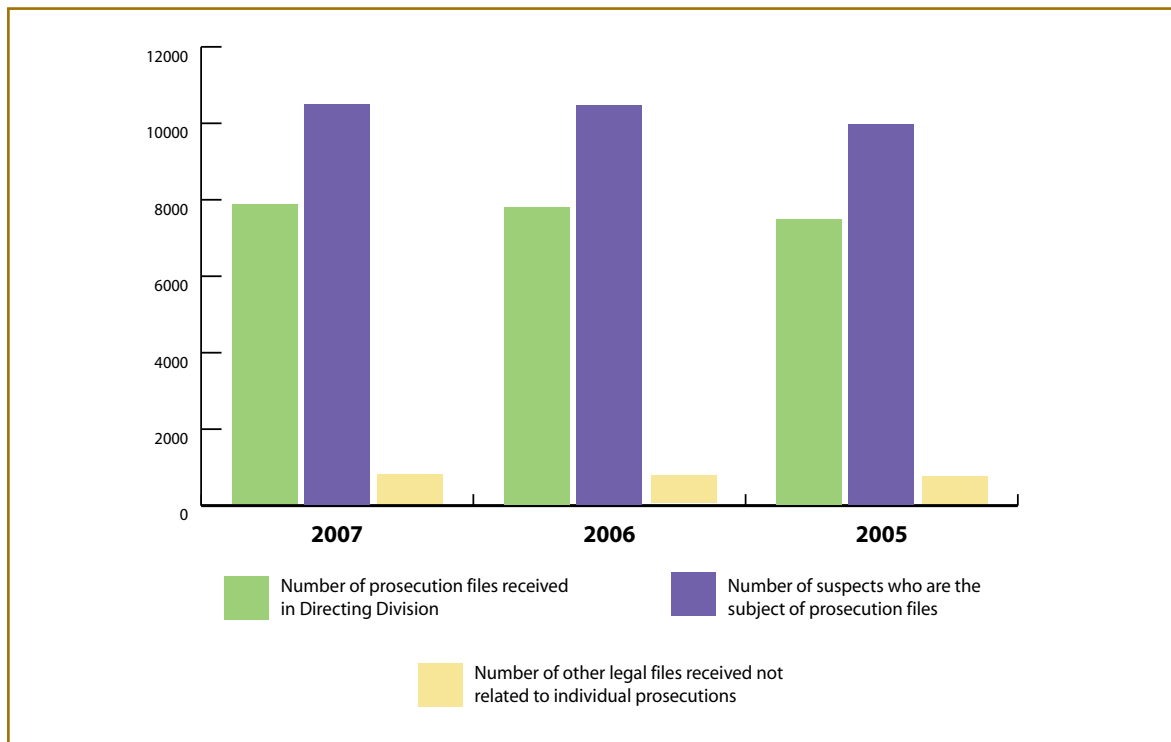


Chart 3 compares the number of files received in the Directing Division to the number of suspects who are the subject of those files. Many files relate to more than one suspect and to treat such a file as a single case can give a misleading impression of the workload of the Office. It is important, therefore, to look at the total number of suspects as well as the total number of files.

**NOTE:** *There are also a number of files received in the Directing Division each year not relating to prosecutions. These include requests for legal advice from the Garda Síochána and local state solicitors, and judicial review applications received from the Solicitors Division for direction. These files are outlined in the chart as 'other legal files'.*

**Chart 3 BREAKDOWN OF FILES RECEIVED IN DIRECTING DIVISION**

	2007	2006	2005
Number of prosecution files received in Directing Division	7827	7773	7473
Number of suspects who are the subject of prosecution files	10468	10452	9956
Number of other legal files received not related to individual prosecutions	768	732	713





The following chart shows a breakdown of the disposal of files received in the Directing Division in 2005, 2006 and 2007 (as of April 2008). The Garda Síochána and specialised investigating agencies submit files either directly to our Solicitors Division 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 list all decisions not to prosecute.

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

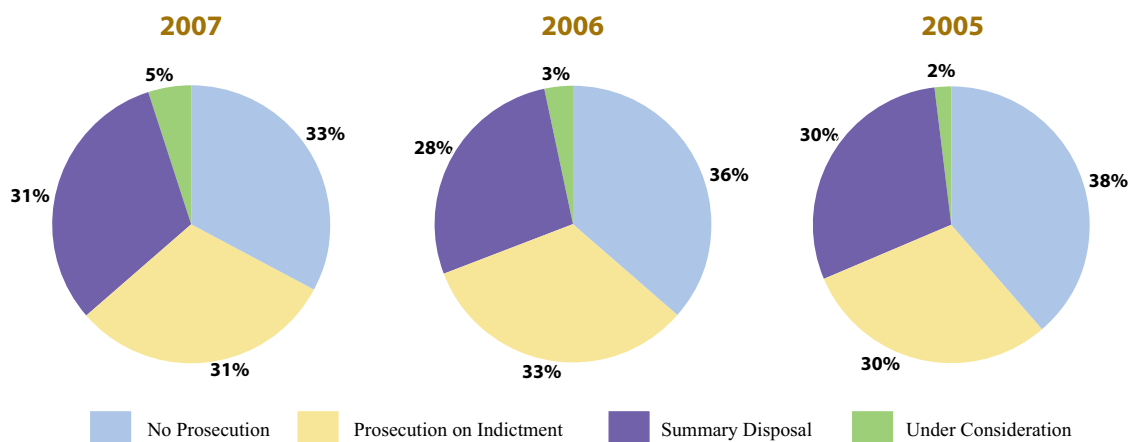
**Summary Disposal:** The offence is to be prosecuted in the District Court.

**Under Consideration:** Files in which a decision has not been made. This figure includes those files in which further information or investigation was required before a decision could be made. Further information is sought more often than not to strengthen the case rather than because of any deficiency in the investigation.

**NOTE:** The figures for 2005 and 2006 have been updated since the publication of previous Annual Reports. The reduction in the files 'Under Consideration' figures compared with those given in previous years reflect developments on those files since then. 'Prosecutions on Indictment' include those cases in which defendants elected for trial by jury and cases where the judge of the District Court refused jurisdiction, even though the Director initially elected for summary disposal.

**Chart 4 DISPOSAL OF DIRECTING DIVISION FILES BY NUMBER OF SUSPECTS SUBJECT OF FILES RECEIVED**

Direction Made	2007	%	2006	%	2005	%
No Prosecution	3452	33%	3814	36%	3848	38%
Prosecution on Indictment	3225	31%	3423	33%	3003	30%
Summary Disposal	3291	31%	2882	28%	2939	30%
<b>TOTAL OF FILES DISPOSED</b>	<b>9968</b>	<b>95%</b>	<b>10119</b>	<b>97%</b>	<b>9790</b>	<b>98%</b>
Under Consideration	500	5%	333	3%	166	2%
<b>TOTAL</b>	<b>10468</b>		<b>10452</b>		<b>9956</b>	



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 (referred to as 'other' below). 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.

**Chart 4a BREAKDOWN OF MAIN REASONS FOR A DIRECTION NOT TO PROSECUTE**

Main Reasons for no Prosecution	2007	%	2006	%	2005	%
Insufficient Evidence	2880	83%	3021	80%	2885	75%
Juvenile Diversion Programme	59	2%	163	4%	196	5%
Public Interest	226	7%	159	4%	199	5%
Sympathetic Grounds	23	1%	50	1%	74	2%
Time Limit Expired	67	2%	165	4%	192	5%
Undue Delay	42	1%	59	2%	95	2%
Other	155	4%	197	5%	207	5%
<b>TOTAL</b>	<b>3452</b>		<b>3814</b>		<b>3848</b>	

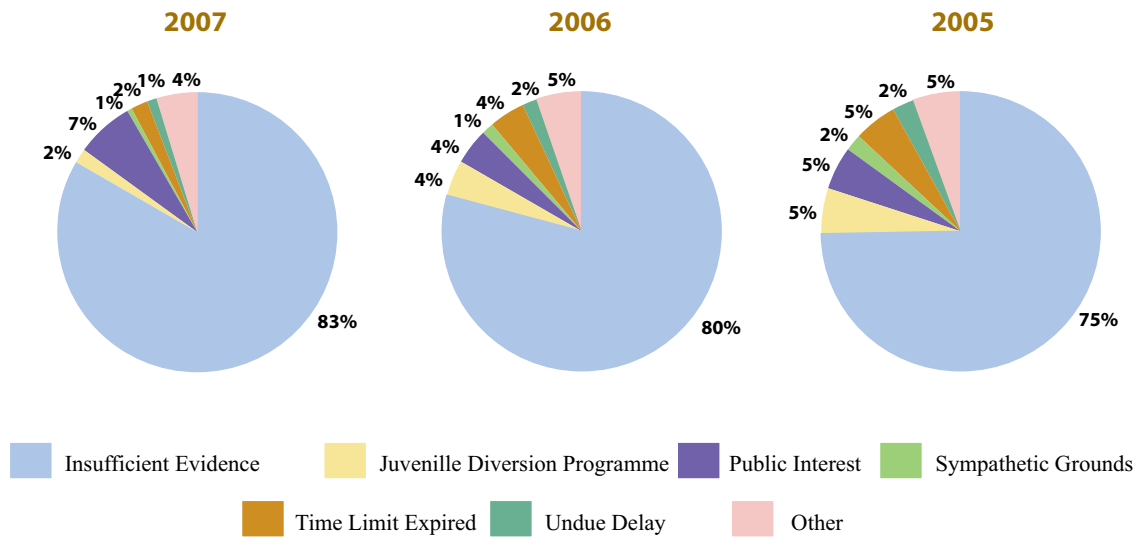


Chart 4b is a breakdown of directions to prosecute on indictment, by the county in which the offence was committed. It includes cases directed to be heard in the Circuit Criminal, Central Criminal and Special Criminal Courts. Please note that a number of cases are still 'Under Consideration' (see Chart 4). These include cases where a file was received but further information was required. It is not possible to determine how many of these cases may eventually result in a direction to prosecute on indictment.

**Chart 4b BREAKDOWN OF NUMBER OF PROSECUTIONS ON INDICTMENT DIRECTED PER COUNTY OF OFFENCE**

	Population							Population							Cases per 1,000 Persons							3 Year Rolling Average	
	2007 *	2006 *	2005 *	2004 *	2003 *	2004 *	2003 *	2007	2006	2005	2004	2003	2007	2006	2005	2004	2003	2007	2006	2005	2004-2006	2003-2005	
<b>Carlow</b>	51,820	50,349	49,235	47,982	47,035	47,982	47,035	13	33	42	22	23	0.25	0.66	0.85	0.46	0.49	0.59	0.66	0.59	0.66	0.60	
<b>Cavan</b>	65,769	64,003	60,936	59,959	58,728	59,959	58,728	28	38	29	29	31	0.43	0.59	0.48	0.48	0.53	0.50	0.50	0.50	0.52	0.50	
<b>Clare</b>	112,109	110,950	107,722	105,612	104,634	105,612	104,634	67	70	70	62	68	0.60	0.63	0.65	0.59	0.65	0.63	0.63	0.62	0.62	0.63	
<b>Cork</b>	489,950	481,295	471,489	461,745	455,172	461,745	455,172	355	324	322	247	304	0.72	0.67	0.68	0.53	0.67	0.69	0.69	0.63	0.63	0.63	
<b>Donegal</b>	151,328	147,264	143,983	141,675	138,766	141,675	138,766	108	57	54	37	66	0.71	0.39	0.38	0.26	0.48	0.49	0.49	0.34	0.34	0.37	
<b>Dublin</b>	1,210,300	1,187,176	1,160,100	1,144,400	1,133,900	1,144,400	1,133,900	1,529	1,750	1,539	1,411	1,467	1.26	1.47	1.33	1.23	1.29	1.35	1.35	1.34	1.34	1.28	
<b>Galway</b>	234,535	231,670	225,207	218,717	215,333	218,717	215,333	68	104	55	81	46	0.29	0.45	0.24	0.37	0.21	0.33	0.33	0.35	0.35	0.28	
<b>Kerry</b>	142,350	139,835	138,211	135,355	133,428	135,355	133,428	62	59	61	58	69	0.44	0.42	0.44	0.43	0.52	0.43	0.43	0.43	0.43	0.46	
<b>Kildare</b>	194,622	186,335	178,456	172,500	167,687	172,500	167,687	96	103	78	101	74	0.49	0.55	0.44	0.59	0.44	0.49	0.49	0.53	0.53	0.49	
<b>Kilkenny</b>	90,116	87,558	85,785	83,602	81,950	83,602	81,950	40	66	33	55	26	0.44	0.75	0.38	0.66	0.32	0.53	0.53	0.60	0.60	0.45	
<b>Laois</b>	69,334	67,059	64,074	62,465	60,750	62,465	60,750	33	22	27	33	20	0.48	0.33	0.42	0.53	0.33	0.41	0.41	0.43	0.43	0.43	
<b>Leitrim</b>	29,749	28,950	27,675	27,231	26,672	27,231	26,672	13	11	13	4	18	0.44	0.38	0.47	0.15	0.67	0.43	0.43	0.33	0.33	0.43	
<b>Limerick</b>	185,978	184,055	180,700	177,161	175,520	177,161	175,520	146	138	127	84	111	0.79	0.75	0.70	0.47	0.63	0.75	0.75	0.64	0.64	0.60	
<b>Longford</b>	35,557	34,391	33,331	32,494	31,602	32,494	31,602	21	20	9	11	16	0.59	0.58	0.27	0.34	0.51	0.48	0.48	0.40	0.40	0.37	
<b>Louth</b>	114,337	111,267	107,714	105,987	103,811	105,987	103,811	86	70	39	73	79	0.75	0.63	0.36	0.69	0.76	0.58	0.58	0.56	0.56	0.60	
<b>Mayo</b>	125,370	123,839	123,288	119,735	117,883	119,735	117,883	48	53	46	52	27	0.38	0.43	0.37	0.43	0.23	0.39	0.39	0.41	0.41	0.35	
<b>Meath</b>	170,072	162,831	151,228	146,181	142,103	146,181	142,103	66	72	67	51	54	0.39	0.44	0.44	0.35	0.38	0.42	0.42	0.41	0.41	0.39	
<b>Monaghan</b>	57,542	55,997	54,891	54,011	52,902	54,011	52,902	35	27	40	22	30	0.61	0.48	0.73	0.41	0.57	0.61	0.61	0.54	0.54	0.57	
<b>Offaly</b>	73,272	70,868	68,503	66,782	64,949	66,782	64,949	21	21	20	17	29	0.29	0.30	0.29	0.25	0.45	0.29	0.29	0.28	0.28	0.33	
<b>Roscommon</b>	59,495	58,768	57,505	55,848	54,984	55,848	54,984	21	15	18	23	25	0.35	0.26	0.31	0.41	0.45	0.31	0.31	0.33	0.33	0.39	
<b>Sligo</b>	62,574	60,894	60,201	59,236	58,020	59,236	58,020	18	50	48	40	41	0.29	0.82	0.80	0.68	0.71	0.64	0.64	0.76	0.76	0.73	
<b>Tipperary</b>	152,365	149,244	146,823	143,462	141,285	143,462	141,285	83	62	58	46	48	0.54	0.42	0.40	0.32	0.34	0.45	0.45	0.38	0.38	0.35	
<b>Waterford</b>	111,115	107,961	107,045	104,321	102,260	104,321	102,260	94	76	62	62	97	0.85	0.70	0.58	0.59	0.95	0.71	0.71	0.63	0.63	0.71	
<b>Westmeath</b>	82,037	79,346	76,992	75,059	72,999	75,059	72,999	56	55	42	25	42	0.68	0.69	0.55	0.33	0.58	0.64	0.64	0.52	0.52	0.48	
<b>Wexford</b>	135,598	131,749	126,889	123,659	121,217	123,659	121,217	50	54	43	40	50	0.37	0.41	0.34	0.32	0.41	0.37	0.37	0.36	0.36	0.36	
<b>Wicklow</b>	131,806	126,194	122,716	118,620	115,310	118,620	115,310	68	73	61	63	59	0.52	0.58	0.50	0.53	0.51	0.53	0.53	0.54	0.54	0.51	
<b>TOTAL</b>	<b>4,339,100</b>	<b>4,239,848</b>	<b>4,130,699</b>	<b>4,043,799</b>	<b>3,978,900</b>	<b>4,043,799</b>	<b>3,978,900</b>	<b>3,225</b>	<b>3,423</b>	<b>3,003</b>	<b>2,749</b>	<b>2,920</b>	<b>0.52</b>	<b>0.58</b>	<b>0.50</b>	<b>0.53</b>	<b>0.51</b>	<b>0.52</b>	<b>0.53</b>	<b>0.54</b>	<b>0.54</b>	<b>0.51</b>	

\*Population figures for 2006 are taken from the census figures for that year. Population figures for years preceding 2006 are calculated based on the proration of the Population & Migration Estimates for the Regional Authority Areas as published by the Central Statistics Office in April 2006 which includes revised yearly figures for the years between 2003 and 2005. The 2007 figures are based on a proration of the estimated 2007 population figures as published in the Population and Migration Estimates issued in December 2007.

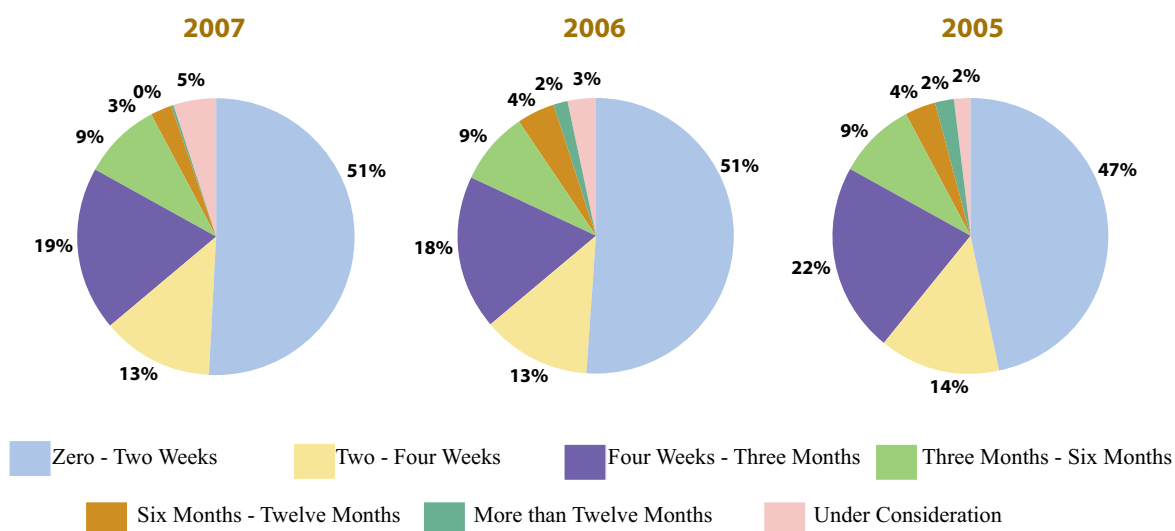
Chart 5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing multiple suspects, decisions in respect of all suspects may not be made at the same time.

Files vary in size and complexity. Also, in some cases, further information or investigation was required before a decision could be made. Further information may be sought to enhance the proofs in a case and does not necessarily imply any deficiency in the investigation.

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 5 TIME TAKEN TO ISSUE DIRECTIONS**

Time Taken	2007	%	2006	%	2005	%
Zero - Two Weeks	5342	51%	5364	51%	4656	47%
Two - Four Weeks	1365	13%	1321	13%	1416	14%
Four Weeks - Three Months	2015	19%	1908	18%	2215	22%
Three Months - Six Months	951	9%	882	9%	903	9%
Six Months - Twelve Months	266	3%	465	4%	374	4%
More than Twelve Months	29	0%	179	2%	226	2%
<b>TOTAL FILES DISPOSED</b>	<b>9968</b>	<b>95%</b>	<b>10119</b>	<b>97%</b>	<b>9790</b>	<b>98%</b>
Under Consideration	500	5%	333	3%	166	2%
<b>TOTAL</b>	<b>10468</b>		<b>10452</b>		<b>9956</b>	



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

Chart 6 below details the number of applications made since the introduction of the Act.

In Annual Reports prior to 2004 the results of applications made were set out according to the year in which they were lodged. However not all applications lodged in the year for which the Annual Report was reporting were heard by the date of publication of the Annual Report and the results for such applications were listed as pending. It was therefore decided, from the year 2003 onwards, to set out the results of applications according to the year in which they were heard.

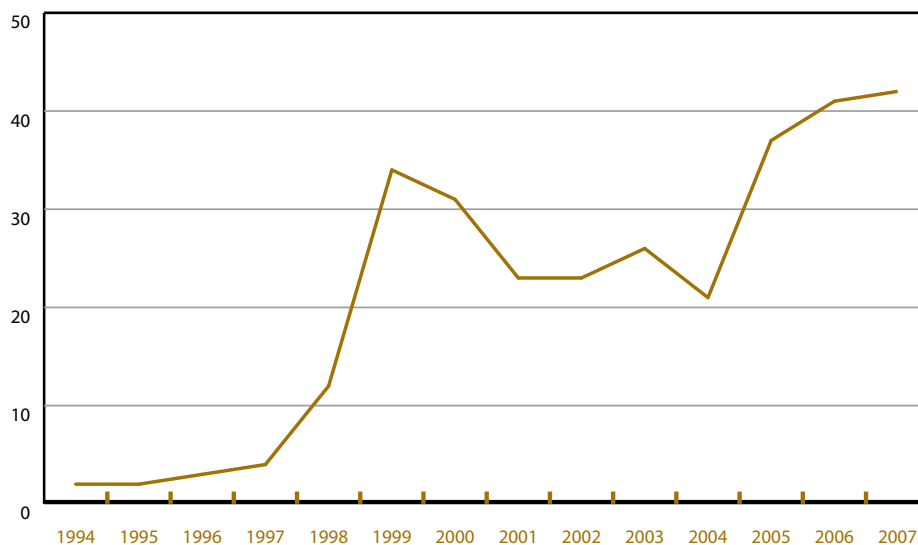
Chart 6a below outlines the results of applications, from the years 1994 to 2002, by the year in which the application was lodged (as appeared in previous Annual Reports).

Chart 6b outlines the results of applications, from the year 2003 onwards, by the year in which the application was heard.

**Chart 6 APPLICATIONS FOR REVIEW OF SENTENCE ON GROUNDS OF UNDUE LENIENCY**

Year of Application	Number of Applications Lodged	Year of Application	Number of Applications Lodged
1994	2	2001	23
1995	2	2002	23
1996	3	2003	26
1997	4	2004	21
1998	12	2005	37
1999	34	2006	41
2000	31	2007	42

**Number of Applications Lodged**



**Chart 6a RESULTS OF APPLICATIONS BY YEAR LODGED**

<b>Year of Application Lodged</b>	<b>Successful</b>	<b>Refused</b>	<b>Applications Struck Out or Withdrawn</b>	<b>TOTAL</b>
1994	-	1	1	<b>2</b>
1995	-	1	1	<b>2</b>
1996	1	1	1	<b>3</b>
1997	2	2	-	<b>4</b>
1998	6	3	3	<b>12</b>
1999	17	16	1	<b>34</b>
2000	15	13	3	<b>31</b>
2001	17	3	3	<b>23</b>
2002	14	9	-	<b>23</b>

**Chart 6b RESULTS OF APPLICATIONS BY YEAR HEARD**

<b>Year of Application Heard</b>	<b>Successful</b>	<b>Refused</b>	<b>Applications Struck Out or Withdrawn</b>	<b>TOTAL</b>
2003	11	8	1	<b>20</b>
2004	13	8	1	<b>22</b>
2005	18	9	2	<b>29</b>
2006	33	15	2	<b>50</b>
2007	30	6	3	<b>39</b>

## OUTCOMES OF PROSECUTIONS TAKEN ON INDICTMENT

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Charts 7 to 11 provide information for prosecutions on indictment taken by the Director in respect of files received in the Office between 2004 and 2006. 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 are likely to 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 that the suspect may have been prosecuted for in respect of that file. Where a suspect is convicted on any charge, he will be categorised as 'convicted' regardless of whether the conviction is in respect of the main charge or for a lesser charge or charges on the indictment. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges. In respect of cases heard in the Central Criminal Court for rape and murder, a further breakdown is given in respect of convictions for a lesser offence (e.g. manslaughter instead of murder). This information is not available within our computer systems in respect of the other courts so care should be taken in interpreting their statistics. Suspects tried before these courts are categorised on the basis of the most serious offence they are charged with, but the offence or offences they are convicted for may be different from that under which they are categorised in the charts.

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

Care should be taken in relation to interpreting the rates of conviction and acquittal in respect of later 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 7 shows the results of prosecutions on indictment taken in relation to defendants in respect of whom prosecutions were commenced in the years 2004 to 2006 (as of April 2008). The figures relate to:

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

**Acquittal:** The defendant was acquitted on all charges.

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

**NOTE:** Figures have not been included for 2007 as the great majority of these cases have yet to be dealt with by the courts and the outcomes for the few cases where results are available may not be representative of the final picture covering all the cases.

Chart 7 CASE RESULTS - PROSECUTIONS ON INDICTMENT

Outcome	2006	%	2005	%	2004	%
Conviction	2056	60%	2123	71%	2037	74%
Acquittal	94	3%	151	5%	162	6%
Not Yet Heard	1211	35%	614	20%	368	13%
Struck Out/Discontinued	62	2%	115	4%	182	7%
<b>TOTAL</b>	<b>3423</b>		<b>3003</b>		<b>2749</b>	

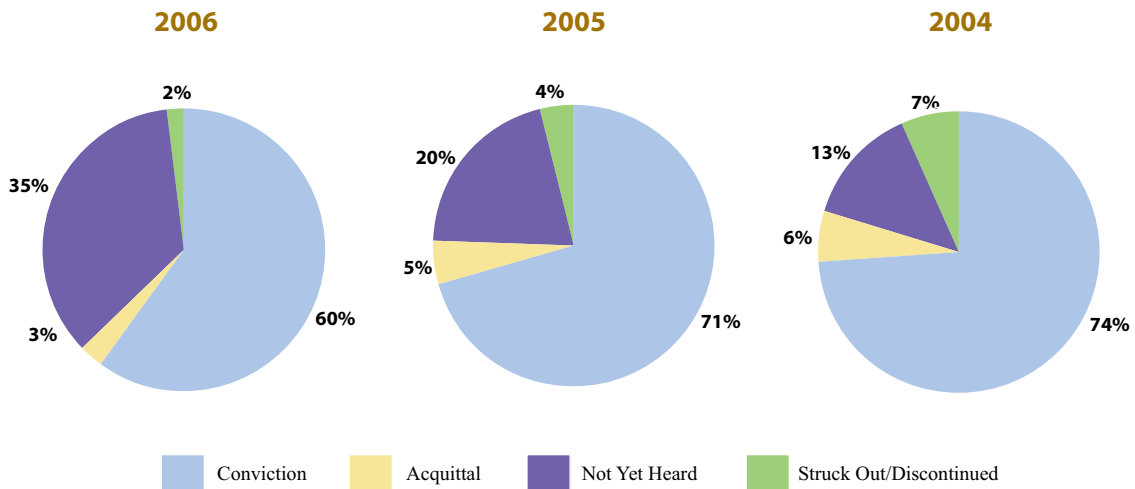




Chart 7a **BREAKDOWN OF CONVICTIONS AND ACQUITTALS (EXCLUDING CASES STILL TO BE HEARD)**

	2006	%	2005	%	2004	%
Conviction by Jury	85	4%	137	6%	156	7%
Conviction Following Plea of Guilty	1971	92%	1986	88%	1881	86%
<b>TOTAL CONVICTIONS</b>	<b>2056</b>	<b>96%</b>	<b>2123</b>	<b>94%</b>	<b>2037</b>	<b>93%</b>
Acquittal by Jury	59	3%	96	4%	83	4%
Acquittal on Direction of Judge	35	2%	55	2%	79	3%
<b>TOTAL ACQUITTALS</b>	<b>94</b>	<b>5%</b>	<b>151</b>	<b>6%</b>	<b>162</b>	<b>7%</b>
<b>TOTAL</b>	<b>2150</b>		<b>2274</b>		<b>2199</b>	

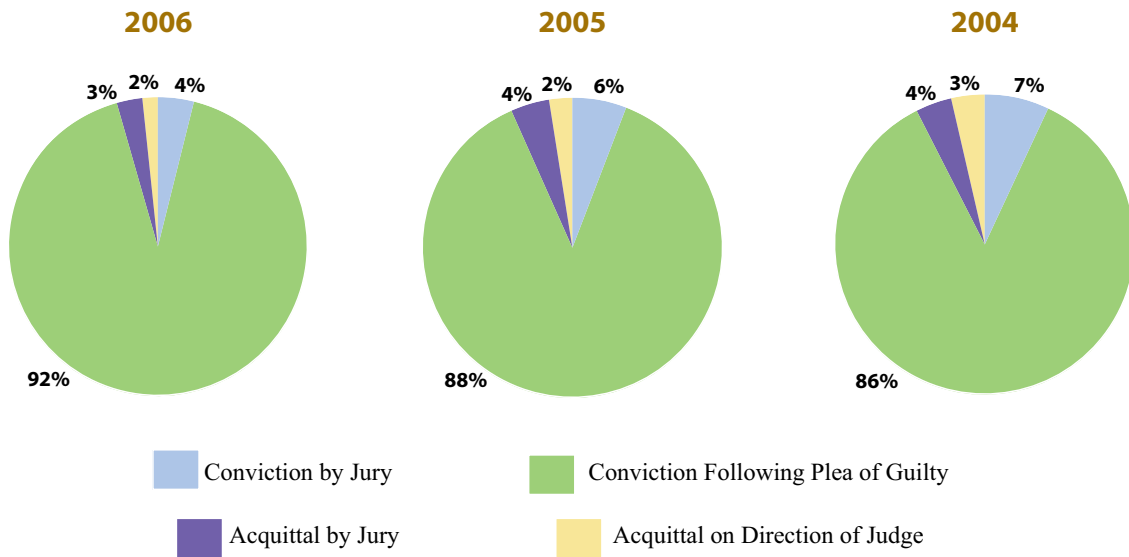


Chart 8 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. 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 9 - 11. Where a trial results in a disagreement the case is treated as still being 'For Hearing' unless a *nolle prosequi* is entered.

**Chart 8 OUTCOMES OF CASES PROSECUTED IN THE CIRCUIT CRIMINAL COURT**

	TOTAL																				
	Conviction by Jury			Conviction on Plea			Acquittal by Jury			Acquittal by Direction of Judge			For Hearing			Other Disposals					
	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004			
Fatal Accident at Work	10	14	12	0	0	0	4	7	8	0	0	0	0	1	0	4	6	4	2	0	0
Manslaughter	19	11	8	2	1	3	3	8	3	0	1	1	0	0	1	14	1	0	0	0	0
Other Fatal Offences	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	3	1	0	1	0	0
<b>TOTAL - FATAL OFFENCES</b>	<b>33</b>	<b>26</b>	<b>20</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>7</b>	<b>15</b>	<b>11</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>21</b>	<b>8</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>0</b>
Burglary	361	286	248	7	3	6	246	206	187	3	4	4	4	8	5	94	57	28	7	8	18
Fraud	74	61	72	4	0	6	32	38	47	0	0	1	0	0	3	38	19	14	0	4	1
Robbery	559	497	407	8	2	4	422	416	324	3	3	5	4	3	8	116	60	43	6	13	23
Theft	128	93	2	1	3	0	68	71	1	0	2	0	1	2	0	55	14	1	3	1	0
Other Offences Against Property	156	154	203	5	5	8	80	94	138	3	3	4	1	3	6	63	37	32	4	12	15
<b>TOTAL - OFFENCES AGAINST PROPERTY</b>	<b>1278</b>	<b>1091</b>	<b>932</b>	<b>25</b>	<b>13</b>	<b>24</b>	<b>848</b>	<b>825</b>	<b>697</b>	<b>9</b>	<b>12</b>	<b>14</b>	<b>10</b>	<b>16</b>	<b>22</b>	<b>366</b>	<b>187</b>	<b>118</b>	<b>20</b>	<b>38</b>	<b>57</b>
Buggery	5	2	11	0	0	1	1	1	4	0	0	0	0	0	0	4	1	6	0	0	0
Child Pornography	9	8	8	0	0	1	5	5	6	0	0	0	0	0	0	4	3	1	0	0	0
Sexual Assault	106	82	73	3	6	9	28	35	41	5	3	4	2	1	1	67	29	13	1	8	5
Sex with an Underage Girl	1	12	18	0	0	0	1	4	10	0	1	0	0	0	0	0	1	5	0	6	3
Other Sexual Offences	18	8	21	1	0	1	5	6	8	0	0	0	0	1	1	12	1	10	0	0	1
<b>TOTAL - SEXUAL OFFENCES</b>	<b>139</b>	<b>112</b>	<b>131</b>	<b>4</b>	<b>6</b>	<b>12</b>	<b>40</b>	<b>51</b>	<b>69</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>87</b>	<b>35</b>	<b>35</b>	<b>1</b>	<b>14</b>	<b>9</b>
Dangerous Driving Causing Death	59	53	53	5	9	6	33	24	33	1	3	4	0	6	3	20	11	7	0	0	0
Unauthorised Taking of Motor Vehicles	96	122	109	2	6	3	69	97	99	0	2	0	0	2	1	22	12	4	3	3	2
Other Road Traffic Offences	40	33	37	3	0	0	24	24	32	0	0	0	0	0	0	9	9	5	4	0	0
<b>TOTAL - ROAD TRAFFIC OFFENCES</b>	<b>195</b>	<b>208</b>	<b>199</b>	<b>10</b>	<b>15</b>	<b>9</b>	<b>126</b>	<b>145</b>	<b>164</b>	<b>1</b>	<b>5</b>	<b>4</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>51</b>	<b>32</b>	<b>16</b>	<b>7</b>	<b>3</b>	<b>2</b>
Drug Offences	575	481	395	7	12	20	400	352	304	2	1	1	5	5	4	157	103	47	4	8	19
Firearms and Explosives Offences	111	116	119	2	5	7	67	71	83	1	3	5	0	2	3	41	32	15	0	3	6
Non Fatal Offences Against the Person	747	705	686	11	42	33	358	418	426	29	47	46	13	17	33	320	138	85	16	43	63
Public Order Offences	158	114	106	8	6	8	59	56	62	3	10	1	2	2	0	77	38	21	3	2	14
Revenue Offences	28	16	16	0	0	1	1	2	5	0	0	1	0	1	1	26	12	7	1	1	1
Other Offences	36	29	47	1	2	8	17	15	20	1	0	1	1	1	1	15	11	16	1	0	1
<b>GRAND TOTAL</b>	<b>3300</b>	<b>2898</b>	<b>2651</b>	<b>70</b>	<b>102</b>	<b>125</b>	<b>1929</b>	<b>1950</b>	<b>1841</b>	<b>51</b>	<b>83</b>	<b>78</b>	<b>33</b>	<b>55</b>	<b>71</b>	<b>1161</b>	<b>596</b>	<b>364</b>	<b>56</b>	<b>112</b>	<b>172</b>

Chart 8a **BREAKDOWN OF 'OTHER DISPOSALS' FROM CHART 8**

	2006	2005	2004
Accused Deceased	0	1	1
Nolle Prosequi Entered	54	99	147
Struck Out	2	11	8
Charges Not Re-entered	0	0	2
Charges Withdrawn	0	0	6
Dealt with Summarily	0	0	8
Case Terminated by Judicial Review	0	1	0
<b>TOTAL</b>	<b>56</b>	<b>112</b>	<b>172</b>

Chart 8b **TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS**

	TOTAL			Conviction		
	2006	2005	2004	2006	2005	2004
Fatal Accident at Work	4	8	8	100%	88%	100%
Manslaughter	5	10	8	100%	90%	75%
Other Fatal Offences	0	0	0	N/A	N/A	N/A
<b>TOTAL - FATAL OFFENCES</b>	<b>9</b>	<b>18</b>	<b>16</b>	<b>100%</b>	<b>89%</b>	<b>88%</b>
Burglary	260	221	202	97%	95%	96%
Fraud	36	38	57	100%	100%	93%
Robbery	437	424	341	98%	99%	96%
Theft	70	78	1	99%	95%	100%
Other Offences Against Property	89	105	156	96%	94%	94%
<b>TOTAL - OFFENCES AGAINST PROPERTY</b>	<b>892</b>	<b>866</b>	<b>757</b>	<b>98%</b>	<b>97%</b>	<b>95%</b>
Buggery	1	1	5	100%	N/A	100%
Child Pornography	5	5	7	100%	100%	100%
Sexual Assault	38	45	55	82%	91%	91%
Sex with an Underage Girl	1	5	10	100%	80%	100%
Other Sexual Offences	6	7	10	100%	86%	90%
<b>TOTAL - SEXUAL OFFENCES</b>	<b>51</b>	<b>63</b>	<b>87</b>	<b>86%</b>	<b>90%</b>	<b>93%</b>
Dangerous Driving Causing Death	39	42	46	97%	79%	85%
Unauthorised Taking of Motor Vehicles	71	107	103	100%	96%	99%
Other Road Traffic Offences	27	24	32	100%	100%	100%
<b>TOTAL - ROAD TRAFFIC OFFENCES</b>	<b>137</b>	<b>173</b>	<b>181</b>	<b>99%</b>	<b>92%</b>	<b>96%</b>
Drug Offences	414	370	329	98%	98%	98%
Firearms and Explosives Offences	70	81	98	99%	94%	92%
Non Fatal Offences Against the Person	411	524	538	90%	88%	85%
Public Order Offences	78	74	71	94%	84%	99%
Revenue Offences	1	3	8	100%	67%	75%
Other Offences	20	18	30	90%	94%	93%
<b>GRAND TOTAL</b>	<b>2083</b>	<b>2190</b>	<b>2115</b>	<b>96%</b>	<b>94%</b>	<b>93%</b>

Chart 9 outlines the result of cases directed for prosecution in the Special Criminal Court.

**Chart 9 OUTCOMES OF CASES PROSECUTED ON INDICTMENT IN THE SPECIAL CRIMINAL COURT**

	TOTAL		Conviction by Judges			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Judges			For Hearing		
	2006	2005	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004
Firearms and Explosives Offences	1	5	0	0	0	1	5	0	0	0	0	0	0	0	0	0	0
Membership of Unlawful Organisation & Related Offences	7	6	9	0	2	3	6	1	4	0	2	0	1	1	0	0	1
<b>TOTAL</b>	<b>8</b>	<b>11</b>	<b>9</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>7</b>	<b>6</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

**Chart 9a BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE' FOR PERSONS CHARGED WITH MEMBERSHIP OF UNLAWFUL ORGANISATION AND RELATED OFFENCES**

	TOTAL		Conviction by Jury			Conviction on Plea		
	2006	2005	2006	2005	2004	2006	2005	2004
Firearms and Explosives Offences	0	2	0	0	0	0	2	0
<b>TOTAL</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>

**Chart 9b TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS**

	TOTAL			Conviction		
	2006	2005	2004	2006	2005	2004
Firearms and Explosives Offences	1	5	0	100%	100%	N/A
Membership of Unlawful Organisation & Related Offences	7	6	8	86%	83%	88%
<b>TOTAL</b>	<b>8</b>	<b>11</b>	<b>8</b>	<b>88%</b>	<b>91%</b>	<b>88%</b>

Chart 10 outlines the result of cases directed for prosecution in the Central Criminal Court and breaks down all cases by the most serious charge directed against the defendant. Supplementary charts break down the 'convictions on a lesser charge' and the 'other disposals' outcomes.

Chart 10 **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				
	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004		
Murder	32	31	33	4	13	17	5	4	5	5	7	10	7	3	4	1	0	0	2	0	1	3	10	2	0	
Soliciting to Murder	1	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Rape	64	57	53	8	12	9	19	18	23	0	3	3	3	5	6	2	1	0	6	2	2	7	29	16	3	
Attempted Murder	0	3	0	0	0	0	0	1	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	
Attempted Rape	3	1	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0
Aggravated Sexual Assault	3	1	2	0	0	0	2	1	1	1	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	
Competition Law	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	0	0
<b>TOTAL CASES</b>	<b>115</b>	<b>94</b>	<b>89</b>	<b>12</b>	<b>26</b>	<b>26</b>	<b>27</b>	<b>25</b>	<b>30</b>	<b>11</b>	<b>10</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>3</b>	<b>10</b>	<b>54</b>	<b>18</b>	<b>3</b>	

Chart 10a **BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE' FOR CASES CATEGORISED AS MURDER OR ATTEMPTED MURDER**

	TOTAL			Conviction by Jury			Conviction on Plea		
	2006	2005	2004	2006	2005	2004	2006	2005	2004
Manslaughter	10	6	4	3	6	2	7	0	2
Impeding the Apprehension or Prosecution of Another	0	0	0	0	0	0	0	0	0
Withholding Information	0	0	1	0	0	0	0	0	1
Obstructing a Garda	0	0	0	0	0	0	0	0	0
Assault Causing Harm	0	1	0	0	0	0	0	1	0
Assault Causing Serious Harm	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>10</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>3</b>

**Chart 10b BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE' FOR CASES CATEGORISED AS RAPE OR ATTEMPTED RAPE**

	TOTAL			Conviction by Jury			Conviction on Plea		
	2006	2005	2004	2006	2005	2004	2006	2005	2004
Aggravated Sexual Assault	0	0	2	0	0	0	0	0	2
Sexual Assault	1	2	1	0	0	0	1	2	1
Sex with an Underage Girl	0	0	0	0	0	0	0	0	0
Possession of Firearms with Intent to Endanger Life	0	0	0	0	0	0	0	0	0
Intent to Endanger Life	0	0	0	0	0	0	0	0	0
Attempted Rape	0	1	0	0	1	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Chart 10c BREAKDOWN OF 'OTHER DISPOSALS'**

	2006	2005	2004
Nolle Prosequi Entered	2	1	7
Not Fit to be Tried	0	0	0
Accused to be Extradited to Stand Trial in Another Jurisdiction	0	0	1
Accused Deceased	0	0	1
Charges Withdrawn	0	1	1
Struck Out	0	1	0
<b>TOTAL</b>	<b>2</b>	<b>3</b>	<b>10</b>

**Chart 10d TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS (INCLUDING CONVICTIONS ON A LESSER CHARGE)**

	TOTAL			Conviction		
	2006	2005	2004	2006	2005	2004
Murder	22	28	30	86%	86%	90%
Soliciting to Murder	0	1	0	N/A	100%	N/A
Rape	33	39	43	82%	85%	81%
Attempted Murder	0	3	0	N/A	33%	N/A
Attempted Rape	1	1	1	100%	100%	100%
Aggravated Sexual Assault	3	1	2	100%	100%	50%
Competition Law	0	0	0	N/A	N/A	N/A
<b>TOTAL</b>	<b>59</b>	<b>73</b>	<b>76</b>	<b>85%</b>	<b>84%</b>	<b>84%</b>

Chart 11 breaks down the case verdicts for each circuit criminal court. Unlike Chart 8, 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 11 OUTCOMES OF CASES PROSECUTED ON INDICTMENT IN THE CIRCUIT CRIMINAL COURT BY COUNTY**

TOTAL	Conviction by Jury			Conviction on Plea			Acquittal by Jury			Acquittal by Direction of Judge			
	2006	2005	2004	2006	2005	2004	2006	2005	2004	2006	2005	2004	
Carlow	18	25	10	0	3	2	16	22	8	1	0	0	
Cavan	22	16	23	0	1	0	16	14	22	4	0	1	
Clare	28	41	49	2	12	1	23	24	41	3	4	2	
Cork	228	256	197	8	8	14	203	227	167	8	11	0	
Donegal	10	25	30	0	1	2	9	23	27	1	0	1	
Dublin	1149	1212	1171	21	40	56	1106	1121	1054	12	30	33	
Galway	74	37	56	2	0	4	66	35	51	4	2	1	
Kerry	44	35	47	2	1	6	42	30	37	0	2	4	
Kildare	84	65	62	1	2	13	77	59	38	5	2	8	
Kilkenny	33	26	38	1	2	9	30	18	26	1	4	1	
Laois	16	21	21	1	0	0	14	19	19	0	2	1	
Leitrim	5	5	4	0	0	0	5	5	4	0	0	0	
Limerick	51	66	51	2	6	1	48	53	45	0	2	5	
Longford	9	8	6	3	1	0	4	7	6	1	0	0	
Louth	21	24	55	2	3	2	17	17	49	0	2	2	
Mayo	31	39	38	3	2	5	24	31	26	4	6	6	
Meath	56	58	32	3	2	0	53	51	29	0	3	3	
Monaghan	9	17	16	1	1	0	6	14	14	2	1	1	
Offaly	8	14	9	0	0	0	8	14	7	0	0	1	
Roscommon	13	13	18	0	0	1	12	12	17	1	0	0	
Sligo	31	34	30	1	2	2	29	29	22	0	2	1	
Tipperary	20	29	23	0	5	0	17	19	20	3	3	1	
Waterford	35	38	38	3	4	3	32	30	34	0	3	0	
Westmeath	39	25	20	8	4	0	30	20	18	1	1	0	
Wexford	20	22	23	2	2	2	18	17	18	0	3	3	
Wicklow	29	39	48	4	0	2	24	39	42	0	0	3	
<b>TOTAL</b>	<b>2083</b>	<b>2190</b>	<b>2115</b>	<b>70</b>	<b>102</b>	<b>125</b>	<b>1929</b>	<b>1950</b>	<b>1841</b>	<b>51</b>	<b>83</b>	<b>78</b>	
												<b>55</b>	
													<b>71</b>

Chart 11a **TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS**

	TOTAL			Conviction		
	2006	2005	2004	2006	2005	2004
<b>Carlow</b>	18	25	10	89%	100%	100%
<b>Cavan</b>	22	16	23	73%	94%	96%
<b>Clare</b>	28	41	49	89%	88%	86%
<b>Cork</b>	228	256	197	93%	92%	92%
<b>Donegal</b>	10	25	30	90%	96%	97%
<b>Dublin</b>	1149	1212	1171	98%	96%	95%
<b>Galway</b>	74	37	56	92%	95%	98%
<b>Kerry</b>	44	35	47	100%	89%	91%
<b>Kildare</b>	84	65	62	93%	94%	82%
<b>Kilkenny</b>	33	26	38	94%	77%	92%
<b>Laois</b>	16	21	21	94%	90%	90%
<b>Leitrim</b>	5	5	4	100%	100%	100%
<b>Limerick</b>	51	66	51	98%	89%	90%
<b>Longford</b>	9	8	6	78%	100%	100%
<b>Louth</b>	21	24	55	90%	83%	93%
<b>Mayo</b>	31	39	38	87%	85%	82%
<b>Meath</b>	56	58	32	100%	91%	91%
<b>Monaghan</b>	9	17	16	78%	88%	88%
<b>Offaly</b>	8	14	9	100%	100%	78%
<b>Roscommon</b>	13	13	18	92%	92%	100%
<b>Sligo</b>	31	34	30	97%	91%	80%
<b>Tipperary</b>	20	29	23	85%	83%	87%
<b>Waterford</b>	35	38	38	100%	89%	97%
<b>Westmeath</b>	39	25	20	97%	96%	90%
<b>Wexford</b>	20	22	23	100%	86%	87%
<b>Wicklow</b>	29	39	48	97%	100%	92%
<b>TOTAL</b>	<b>2083</b>	<b>2190</b>	<b>2115</b>	<b>96%</b>	<b>94%</b>	<b>93%</b>



Chart 12 shows the breakdown of office expenditure for 2007, 2006 & 2005.

**Salaries & Wages:** This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2007 was 174.09.

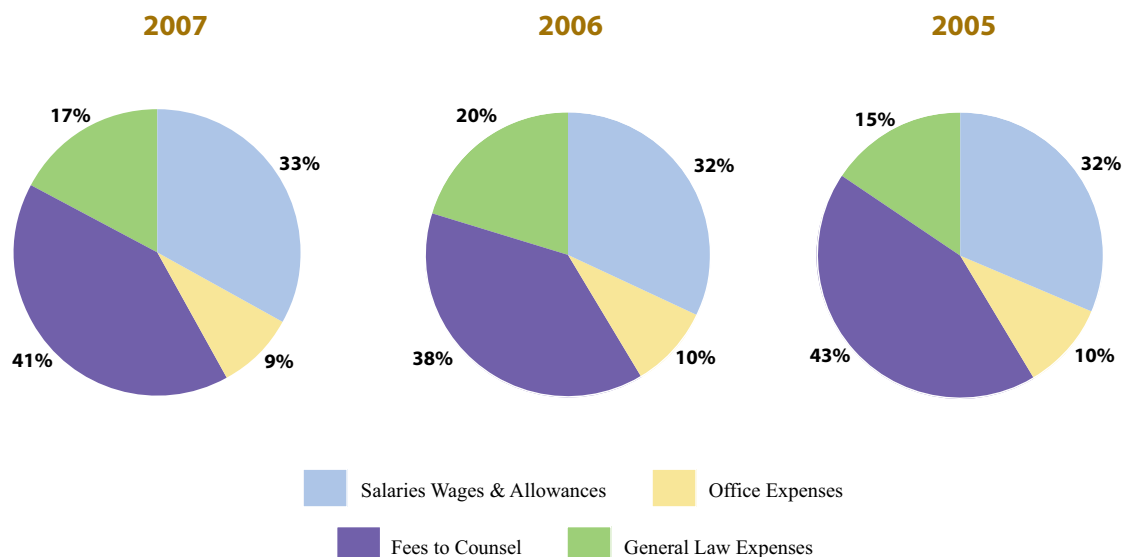
**Office Expenses:** This relates to general office administration costs e.g. purchase and maintenance of office equipment, office supplies, library costs, office premises maintenance, travel and other incidental expenses.

**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 Finance.

**General Law Expenses:** This refers to the payment of legal costs awarded by the courts in judicial review matters and other applications connected to legal proceedings against the Director.

Chart 12 OFFICE EXPENDITURE

	2007	%	2006	%	2005	%
	€		€		€	
Salaries Wages & Allowances	11,558,163	33%	10,132,015	32%	9,527,979	32%
Office Expenses	3,122,343	9%	2,960,447	10%	3,011,535	10%
Fees to Counsel	14,232,484	41%	12,085,966	38%	13,004,323	43%
General Law Expenses	5,930,424	17%	6,304,827	20%	4,615,021	15%
<b>TOTAL</b>	<b>34,843,414</b>		<b>31,483,255</b>		<b>30,158,858</b>	



Charts 13 & 14 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 & Special Criminal Courts cover advising on proofs, drafting indictments, holding consultations, arraignments, presentation of the case and other necessary appearances e.g. for sentence.

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

**Chart 13 FEES TO COUNSEL PAID BY COURT**

	2007 €	%	2006 €	%	2005 €	%
Circuit Court	7,424,016	52%	5,969,616	50%	6,136,922	48%
Central Criminal Court	4,271,132	30%	3,388,237	28%	4,052,328	31%
High Court	1,351,359	9%	1,370,451	11%	1,446,021	11%
Supreme Court	364,665	3%	278,533	2%	158,891	1%
Court of Criminal Appeal	537,107	4%	845,148	7%	763,712	6%
Special Criminal Court	266,255	2%	208,341	2%	415,263	3%
District Court	17,949	0%	25,640	0%	31,188	0%
<b>TOTAL</b>	<b>14,232,484</b>		<b>12,085,966</b>		<b>13,004,325</b>	

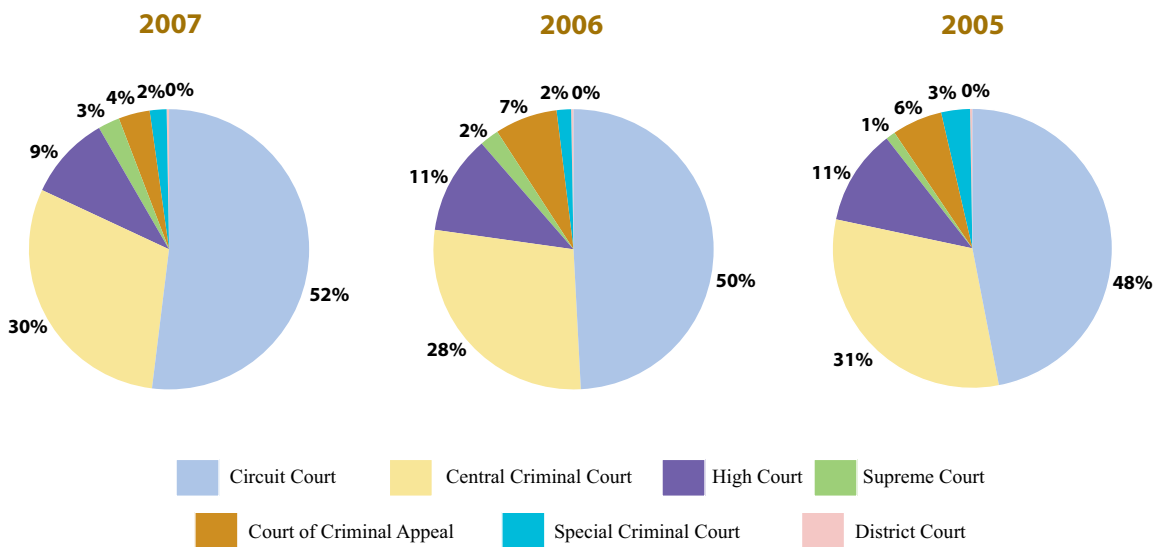
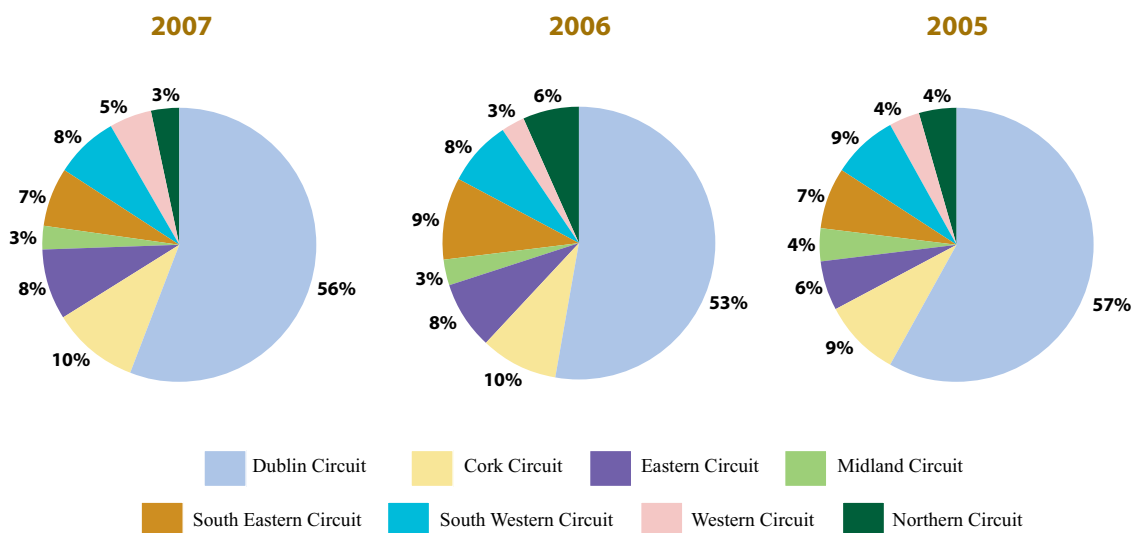


Chart 14 FEES TO COUNSEL PAID BY CIRCUIT

	2007 €	%	2006 €	%	2005 €	%
Dublin Circuit	4,161,889	56%	3,154,658	53%	3,510,505	57%
Cork Circuit	755,769	10%	558,824	10%	555,370	9%
Eastern Circuit	612,278	8%	477,505	8%	350,921	6%
Midland Circuit	221,811	3%	186,221	3%	237,047	4%
South Eastern Circuit	504,528	7%	565,874	9%	435,435	7%
South Western Circuit	564,974	8%	476,024	8%	572,634	9%
Western Circuit	368,577	5%	166,782	3%	221,661	4%
Northern Circuit	234,190	3%	383,728	6%	253,349	4%
<b>TOTAL</b>	<b>7,424,016</b>		<b>5,969,616</b>		<b>6,136,922</b>	



# 9 EXTRACT FROM APPROPRIATION ACCOUNT 2006

Account of the sum expended, in the year ended 31 December 2006, 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.

Service	Estimate Provision €'000	Outturn €'000	Closing Accruals €'000
<b>ADMINISTRATION</b>			
<b>A.1.</b> Salaries, Wages and Allowances	10,313	10,132	-
<b>A.2.</b> Travel and Subsistence	220	174	16
<b>A.3.</b> Incidental Expenses	1,384	1,041	27
<b>A.4.</b> Postal and Telecommunications Services	295	232	24
<b>A.5.</b> Office Machinery and Other Office Supplies	1,676	805	-17
<b>A.6.</b> Office Premises Expenses	755	923	-480
<b>OTHER SERVICES</b>			
<b>B.</b> Fees to Counsel	14,847	12,086	2,654
<b>C.</b> General Law Expenses	4,160	6,305	3,990
<b>Gross Total</b>	<b>33,650</b>	<b>31,698</b>	<b>6,214</b>
<i>Deduct -</i>			
<b>D.</b> Appropriations-in-Aid	15	215	-
<b>Net Total</b>	<b>33,635</b>	<b>31,483</b>	<b>6,214</b>

**SURPLUS TO BE SURRENDERED €2,151,745**

# 10 PROMPT PAYMENT OF ACCOUNTS ACT, 1997 Late Payments in Commercial Transactions Regulations 2002

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## Operation of the Act in the Period 1 January 2007 to 31 December 2007

- 10.1** The Office of the Director of Public Prosecutions makes payments to suppliers after the goods or services in question have been provided satisfactorily and within 30 days of the supplier submitting an invoice. In the case of fees to counsel, while invoices are not generated, the practice of the Office is to pay counsels' fees within 45 days of receipt of the state solicitor's report in each case.
- 10.2** In the period in question, the Office made 16 late payments in excess of €317.50. The total value of these payments was €56,409.44. The total value of late payments in the year amounted to €56,616.85 out of total payments of €3.46 million and interest thereon came to €463.03.

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.

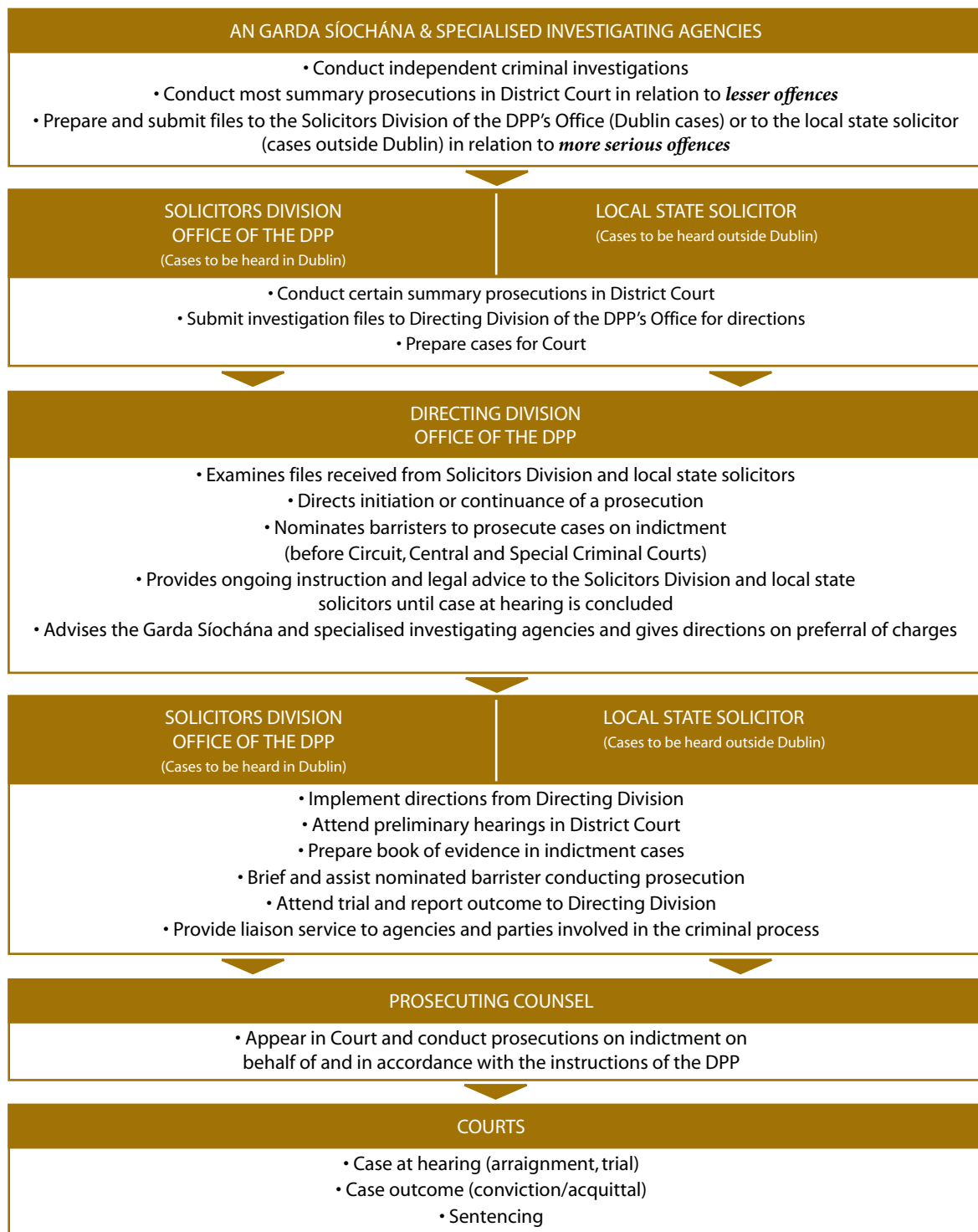
- 10.5** The procedures which have been put in place can only provide reasonable and not absolute assurance against material non-compliance with the Act.

**Barry Donoghue**  
Accounting Officer  
April 2008

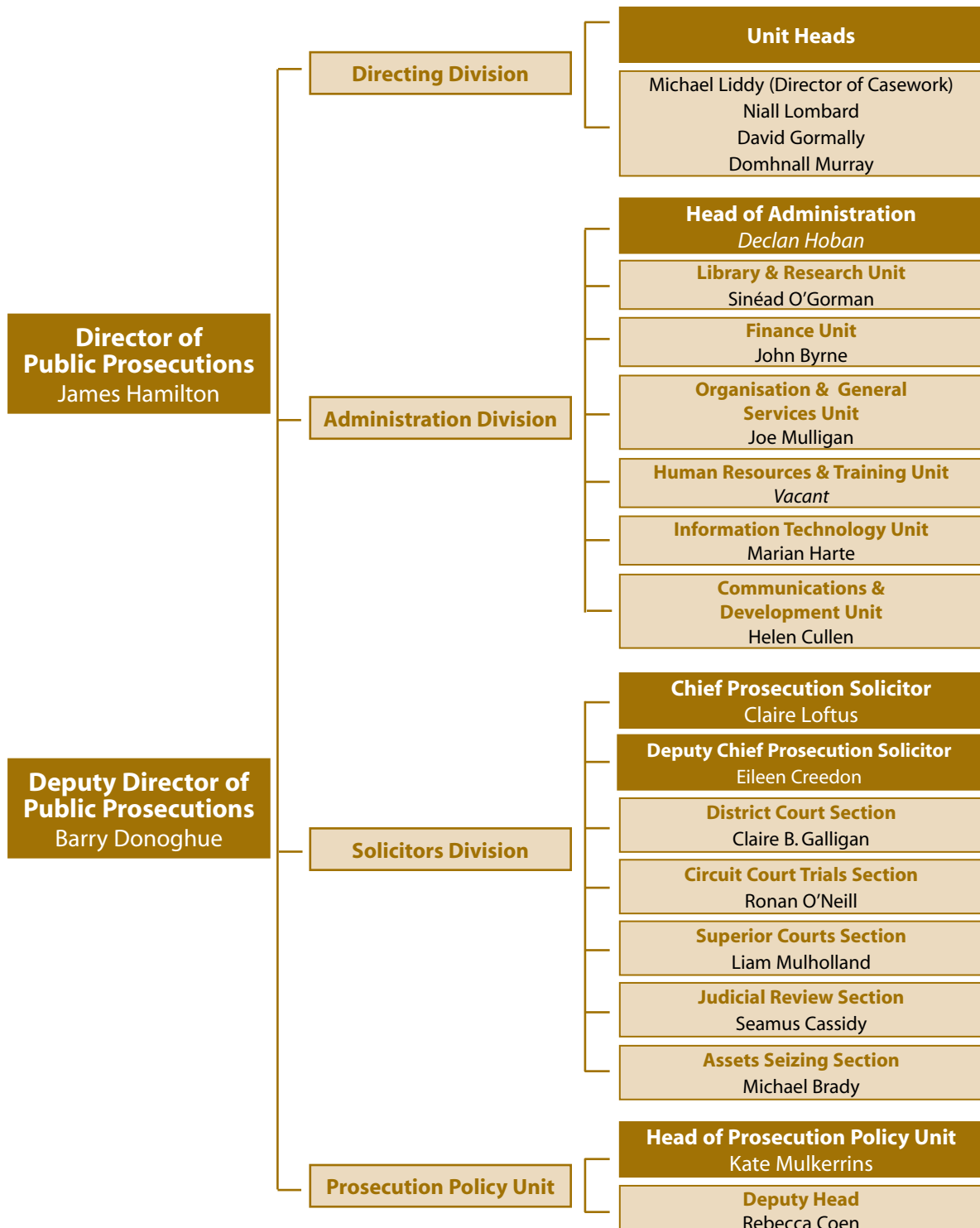
## Statement of the Accounting Officer

- 10.3** The Office of the Director of Public Prosecutions is one of the organisations which is subject to the terms of the Prompt Payment of Accounts Act, 1997 and the Late Payments in Commercial Transactions Regulations 2002. The Act came into force on 2 January 1998, and since that time the Office has complied with the terms of the Act.
- 10.4** All invoices from suppliers are date stamped on receipt. Invoices are approved and submitted for payment in a timely manner to ensure that payment is made within the relevant period. When the invoices are being paid the date of receipt and the date of payment are compared, and if the relevant time limit has been exceeded, an interest payment is automatically generated.

# 11 OUTLINE OF THE CRIMINAL PROSECUTION PROCESS



# 12 ORGANISATION STRUCTURE (AS OF JUNE 2008)



# APPENDIX I

## Annual Output Statement 2007

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**NOTE:** The purpose of the Output Statement is to match key outputs and strategic impacts to financial and staffing inputs for a calendar year. The outputs in the statement are based on the year 2007 and they reflect all work done during 2007 on prosecution files and legal proceedings whether the files were received in 2007 or in previous years. For this reason, statistics quoted in the statement are not directly comparable to statistics quoted in Chapter 8 of this report which are compiled on the basis of the year the file was received in the Office.

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### 1. Summary Statement - High Level Goal

The fundamental function of the Office of the Director of Public Prosecutions is the direction and supervision of public prosecutions and related criminal matters. The majority of cases dealt with by the Office are received from the Garda Síochána, the primary national investigating agency. However, some cases are also referred to the Office by specialised investigative agencies including the Revenue Commissioners, Government Departments, the Health & Safety Authority, An Post, the Competition Authority, the Director of Corporate Enforcement, the Environmental Protection Agency and local authorities.

#### High Level Goal

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

#### Impact Indicator

The extent to which an independent, effective and fair prosecution service is maintained.

#### Programme Objectives

The consideration of criminal investigation files submitted to the Office and the timely taking of decisions regarding whether or not a prosecution should be initiated or whether a prosecution already initiated by the Garda Síochána should be maintained.

To ensure that decisions to prosecute are acted upon in a timely manner and in accordance with the published Guideleines for Prosecutors.

### 2. Total Budget by Source of Funding by Year

The Office is funded by a Vote of the Oireachtas. This Vote provides for the salaries and expenses of the Director and his staff, the salaries and expenses of the State Solicitor Service, fees payable to counsel engaged by the Director to prosecute cases in the various courts and the payment of costs awarded against the State arising out of Judicial Review and other legal proceedings. Expenditure on the last two items is demand led and depends on the volume of criminal work processed through the Courts in any given year. The figure for Appropriations in Aid relates principally to the recovery of costs awarded to the State in criminal proceedings. As this varies widely from year to year, a nominal figure is shown.



The increase in 2008 over 2007 expenditure is largely due to the transfer of the State Solicitor Service to the Office of the Director of Public Prosecutions.

	BUDGET 2007 € Million	Provisional Outturn 2007 € million	BUDGET 2008 € Million	% Change on Outturn
<b>Voted Expenditure</b>	35.81	34.70	44.55	+28%
<b>Non-Voted (State source)</b>	-	-	-	-
<b>Total Gross Expenditure</b>	35.81	34.70	44.55	+28%
<b>Appropriations in Aid</b>	0.02	0.09	0.02	-
<b>Net Expenditure</b>	35.79	34.60	44.53	+29%

### 3. Programme Details

The Office of the Director of Public Prosecutions pursues a single programme, the provision on behalf of the People of Ireland of a prosecution service that is independent, fair and effective.

## INPUTS

BREAKDOWN OF TOTAL GROSS EXPENDITURE BY STRATEGIC OBJECTIVE					
		2007		2008	% Change 2007 over 2006
		Budget € million	Outturn € million	Budget € million	
<b>Administration Expenditure</b>	Pay	2.48	2.18	2.88	33%
	Non-Pay	4.08	3.02	4.29	42%
<b>Programme Expenditure</b>	Pay	10.32	9.50	11.53	21%
	Non-Pay	18.92	20.02	25.85	29%
<b>Total Gross Expenditure</b>		35.80	34.70	44.55	28%
<b>Appropriations-in-Aid</b>		-0.02	-0.09	-0.02	-78%
<b>Net Expenditure</b>		35.78	34.61	44.53	29%
<b>2007</b>					
<b>Number of Staff employed at end of 2007 (whole time equivalent)</b>		<b>183</b>			

## OUTPUTS

2007 Output Target	2007 Outturn	2008 Output Target
Directions issued in approximately 7,500 – 8,000 files submitted by investigation agencies.	Directions issued in relation to 10,300 suspects on 8450 files.	Directions issued in relation to approximately 10,000 suspects on files submitted by investigation agencies.
Prosecutorial decisions taken within target timescales: 40% of cases within 2 weeks 50% of cases within 4 weeks 75% of cases within 3 months	51% of cases within 2 weeks 64% of cases within 4 weeks 83% of cases within 3 months	Prosecutorial decisions taken within target timescales: 40% of cases within 2 weeks 50% of cases within 4 weeks 75% of cases within 3 months
Directly deal with approximately 2,500 Dublin District Courts prosecution files.	2,200 files received and dealt with.	Directly deal with approximately 2,500 Dublin District Courts prosecution files.
Handle approximately 2,000 District Court appeals, including appeals in cases prosecuted by the Garda Síochána under delegated authority.	2,600 files received and dealt with.	Handle approximately 2,000 District Court appeals, including appeals in cases prosecuted by the Garda Síochána under delegated authority.

Directly deal with approximately 1,300 new indictable cases and also ongoing indictable cases from previous years which have not yet been concluded.	1,900 new indictable cases dealt with as well as ongoing indictable cases from previous years.	Directly deal with approximately 1,800 new indictable cases and also ongoing indictable cases from previous years which have not yet been concluded.
(There is no 2007 output target as this service was transferred to the Director's Office during the course of the year.)	(There is no 2007 outturn as this service was transferred to the Director's Office during the course of the year.)	Manage the 32 solicitors in private practice who comprise the State Solicitor Service and who deal criminal prosecutions on Circuits other than the Dublin Circuit.
(There is no 2007 output target as this service was transferred to the Director's Office during the course of the year.)	(There is no 2007 outturn as this service was transferred to the Director's Office during the course of the year.)	Acting through the State Solicitor Service, deal with approximately 1,500 new indictable cases and also ongoing indictable cases from previous years which have not yet been concluded.
Deal with approximately 1,700 High Court Bail Applications and approximately 350 Judicial Review cases.	1,700 Bail applications and 400 Judicial Review cases received and dealt with	Deal with approximately 1,700 High Court Bail Applications and approximately 350 Judicial Review cases.

# APPENDIX II

## Executive Summary of the Discussion Paper on Prosecution Policy on the Giving of Reasons for Decisions

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### 1. The work of the Office of the Director of Public Prosecutions

The principal function undertaken by the Office of the DPP is the conduct of all criminal prosecutions which are serious enough to be tried before a jury. A key part of this function is the initial decision whether to prosecute. In the discussion paper we are primarily concerned with that decision, in particular when it is exercised by deciding not to prosecute. The Office has been given complete independence in the performance of its duties so that it can carry them out effectively and free from improper influence. This independence carries with it a heavy responsibility requiring that it be exercised to the highest possible standards of fairness and justice. Justice must not only be done but be seen to be done, and the prosecutor should not only be fair and just but be seen to be fair and just. The current policy of not giving reasons for decisions may seem to be at odds with this and with the idea of transparency and accountability in public administration. However, as outlined in Chapter 3, in considering possible changes to the existing policy great care must be taken to ensure that reforms aimed at increasing accountability and transparency to victims of crime are not brought about at the cost of causing unfairness and injustice to others.

### 2. The policy not to give reasons in its context

The policy of not giving reasons for decisions is of long standing. Even before the establishment of the Office of the DPP reasons were not given for prosecutorial decisions. However there is not now, nor has there ever been, an opposition to the giving of reasons for its own sake. The policy was based on practical considerations designed to ensure fairness and respect for the rights of accused persons, complainants and witnesses.

This is clear from the statement made in 1983 by the then Director in which he acknowledged that:

“If some method can be devised whereby the Director could, without doing injustice, inform the public of the reasons for his decisions, he will very willingly put it into operation.”<sup>1</sup>

The current Director, too, has indicated his willingness, if a suitable mechanism can be found, to alter the current practice. It is the identification of an appropriate mechanism to achieve that change that poses difficulties.

There is a willingness to embrace change if this can be brought about without injustice. This is supported by a number of factors. These include:

A case decided in 2003 by the European Court on Human Rights<sup>2</sup> requires reasons for decisions not to prosecute to be given to the relatives of a deceased person killed by the use of lethal force by agents of the state.

Countries with similar legal systems to ours have confronted the same problem and changed their practice. An overview of the various approaches adopted in these countries is outlined in the Appendix to the paper.

The increasing recognition that it is desirable where possible that victims should be informed of the reasoning behind decisions which can profoundly affect their lives.

The recognition that public confidence in the fairness of the criminal justice system is enhanced if the public are made aware of the reasons for prosecution decisions.

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1 Statement to the press issued by the Director of Public Prosecutions, 22 July 1983.

2 *Jordan v United Kingdom* (2003) 37 EHRR 52.

### 3. Change and possible pitfalls

In Chapter 3 the case for change is considered with particular emphasis on the constitutional rights of the parties affected by the criminal process. In essence the argument against changing the current policy as well as the argument for caution concerning any possible change is grounded in the fear that a number of unintended, negative outcomes could flow from giving reasons for decisions, notably:

Giving specific, rather than broad 'general' reasons, has the potential in some cases to cast doubt on the innocence of persons who are merely suspected of committing a crime. Such persons are, of course, entitled to their good name until such time as they are actually convicted of a criminal offence. Giving reasons in some cases could violate the presumption of innocence, which is a cornerstone of our legal system, and could create significant injustice. There needs to be careful consideration of the balance between the interest in disclosure to the injured party, and perhaps also the wider public, and the need to protect reputation and the presumption of innocence. There is also a need to carefully balance other societal interests. For example, it is important to avoid prejudice to other proceedings.

Giving reasons could erode the standing or reputation of a witness, including the complainant. For example, to say a witness was not thought to be reliable would have the potential for serious psychological consequences as well as attacking the witnesses' right to his or her good name, particularly if the implication was that the witness was not merely incorrect but telling a deliberate untruth. Article 40.3.2° of the Constitution requires the State to protect and vindicate the good name of every citizen.

The tension between 'competing interests' also arises when balancing the requirements of transparency and accountability in our prosecutorial process with the needs of national security and the duty on the State to vindicate and protect the life and person of every citizen guaranteed by Article 40.3.2° of the Constitution of Ireland. This could, for example, be compromised by revealing the identity or perhaps even the existence of a Garda informant.

In addition to these difficulties there are practical questions which would need to be examined in the

event of any change in policy. These include the risk of increased delay in the criminal process, extra resources which could be needed by the Office, and the need for training. Reform would pose questions about how to communicate decisions to complainants. Would it be desirable or practicable to have the decision maker communicate directly? What should be covered? Should the public as well as the complainant be entitled to hear reasons? The principal practical questions on which the view of the public would be particularly welcome are set out in the Director's Foreword and at part 5 of this executive summary.

### 4. The opportunities offered by reform

Whilst acknowledging the need to consider limitations to any reform of the current policy, the discussion paper goes on to set out the case for reform. Reform has not only the potential to increase public confidence in a key organisation within the criminal justice system but also has the potential to improve clarity and enhance understanding of prosecutorial decision making.

### 5. Questions for consideration

The paper examines a number of approaches which could be considered, including:

Minimal modification to the original policy so as to incorporate the requirements of the European Convention on Human Rights. Such an approach would require reasons to be given to the relatives of a person who dies because of the actions of a State agent. This option would represent the current policy.

Giving reasons only in relation to a category of pre-defined offences. For example, should reasons be given in rape and murder cases only; in all cases involving violent offences; or in all cases where harm results regardless of gravity?

A broader approach would involve giving detailed reasons where possible across a wide range of cases and, in circumstances where that was not possible, giving more generalised reasons. No reason at all would be given in cases where any sort of statement as to reasons would or would be likely to prejudice an important interest. Clearly this represents a more extensive approach and could be characterised as a 'general' reasons for decisions policy.

The following specific questions also require to be addressed:-

- Should the current policy be changed?
- If so, should reasons be given only to those with a direct interest, the victims of crime or their relations?
- Should reasons also be given to the public at large?
- If reasons are given, should they be general or detailed?
- Should they be given in all cases, or only in certain categories of serious cases? If so, which?
- How can reasons be given without encroaching on the constitutional right to one's good name and the presumption of innocence?
- Should the communication of reasons attract legal privilege?
- How should cases where a reason cannot be given without injustice be dealt with?
- By whom and by what means should reasons be communicated?

## 6. Consultation

In conclusion, the Director of Public Prosecutions invites interested members of the public to give their views on the issues canvassed in the discussion paper. He would particularly welcome views on the questions set out in part 5 of this executive summary.

It is the intention following receipt of submissions to consider carefully the views expressed before deciding how best to proceed.

Any views expressed may be referred to or published by this Office, in full or in part, in a final analysis of all submissions received. However, individuals will not be identified by name and views will be attributed by reference to general categories of persons only e.g. a victim of crime, a member of the public, etc.

Any Views should be communicated as follows:

E-Mail: reasons.project@dppireland.ie

Post: **'REASONS PROJECT'**  
Office of the Director of Public  
Prosecutions,  
14-16 Merrion Street,  
Dublin 2.

to reach the Office no later than **Monday 10 March 2008.**

*Excerpt from the 'Discussion Paper on Prosecution Policy on the Giving of Reasons for Decisions' published in January 2008.*

# APPENDIX III

## Victims' Charter

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### Role of the Office of the Director of Public Prosecutions (DPP)

When you report a serious crime, the Gardaí (or other agencies) investigate it and send a file to the Office of the DPP. We then examine this file to see whether there is enough evidence to prosecute someone for the crime and what the charge should be.

### Deciding whether to prosecute

The decision to prosecute is a serious one – it can have a lasting effect on both the victim of the crime and the accused. Only the DPP or one of his officers may decide whether to prosecute in serious cases, for example murder, sexual assault or fatal road accidents.

The Gardaí may decide to prosecute less serious crimes. However the prosecution is still taken in the name of the DPP and the DPP has the right to tell the Gardaí how to deal with the case.

If we decide not to prosecute, we will give reasons only to the Gardaí who investigated the case. We do not give reasons to victims or their families. The Director is looking at that policy at present to see if he can give reasons in the future.

We act independently when deciding whether to prosecute. This means that no other person, not even the Government, can tell us to prosecute or not to prosecute any case.

### Prosecuting offences in court

The Gardaí will tell you whether we have decided to prosecute and, if so, when and where the court case will take place. If a case is prosecuted in Dublin, we are represented in court by the Gardaí or by a solicitor from our Office. If it takes place outside Dublin, we are represented by the Gardaí or the local state solicitor.

The most serious cases are heard in the Central Criminal Court, the Circuit Criminal Court or the Special Criminal Court. In these cases the prosecution solicitor or local state solicitor will:

- prepare court documents, such as books of evidence (statements and other information about the crime); and
- instruct and assist prosecution barristers.

### What you can expect from the Director of Public Prosecutions

#### Decisions on prosecutions

- We will consider any views you express before we decide whether to prosecute.
- If you ask us to review one of our decisions, we will examine it and, if possible, carry out a review. The review will be carried out by a different officer to the one who made the decision.

#### If you are a witness

- We will treat you with respect and take account of your personal situation, rights and dignity.
- We will work with the Gardaí to make sure you are kept up-to-date on your case, especially if it is about a violent or sexual offence.
- We will arrange for you to talk to the prosecution solicitor and barrister before the court case begins, if you wish. They will explain what will happen in court, but they are not allowed to talk to you about the evidence you will give.

#### Sentencing

- If we think a sentence is unduly lenient, in other words too light without a good reason, we can ask the Court of Criminal Appeal to review it. We

can seek a review of sentences from the Central Criminal, Circuit Criminal and Special Criminal Courts but not from the District Court.

### **If we do not meet your expectations**

If you have questions or complaints about the Office, you may contact:

Director of Public Prosecutions  
14-16 Upper Merrion Street  
Dublin 2

Tel: + 353 (0)1 678 9222

Fax: + 353 (0)1 661 0915

Website: [www.dppireland.ie](http://www.dppireland.ie)

You can find our information booklets **The Role of the DPP** and **Attending Court as a Witness** on the website.

***Victims' Charter - Revised June 2008***

