



Office of the Director of Public Prosecutions
Annual Report

2000



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Mission Statement

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



Foreword

This is the third occasion on which the Office of the Director of Public Prosecutions has presented an Annual Report.

The statistical information in this Report relates to the calendar year 2000. However, it would be unreal to publish an Annual Report towards the end of the year 2001 and make no reference to anything that had happened since 2000. I therefore propose to refer briefly to several major developments which have recently taken place in this Office.

This year the Office issued and made public a Statement of General Guidelines for Prosecutors. The Statement aims to give general guidance to prosecutors on the factors to be taken into account at the different stages of a prosecution so that a fair, reasoned and consistent policy underlies the prosecution process. I believe that publication of the Statement will contribute to a better understanding of the prosecution process by the People of Ireland in whose name prosecutions are brought.

The organisational changes in the prosecution service recommended in the Nally Report by the Public Prosecution Study Group are at last starting to take shape. The transfer of the criminal prosecution solicitor service from the Chief State Solicitor to the Office of the Director of Public Prosecutions is imminent. That service will be headed by the newly appointed Chief Prosecution Solicitor, Claire Loftus. She and her officers and staff will shortly move temporarily into new premises in Jervis Street. Meanwhile, the Office of Public Works are

commencing the planning of a new building adjacent to the Four Courts which, when completed, will house the Office as a whole. When the Nally Report changes have been fully implemented they will bring a greater degree of organisational coherence and consistency to the prosecution service than was possible in the past.

I would like to take the opportunity to thank all the staff of this Office and the staff of the Chief State Solicitor's Office, for their dedicated and efficient service during the period covered by this Report and since then. While the problem of under-resourcing which has long existed in the State's legal services is at last being addressed, solutions are not found overnight and the service provided by and to this Office has often been given in very difficult conditions.

I also wish to acknowledge the work of those who interact with this Office in the work of prosecution, including the Garda Síochána, the Forensic Science Laboratory, the State Pathologists and the members of the Bar who act for the prosecution in Court. Without the professionalism and integrity of all these people the Office's aim, which is to provide on behalf of the People of Ireland a prosecution service which is independent, fair and effective, simply could not be achieved.

A handwritten signature in blue ink that reads "James Hamilton".

James Hamilton
Director of Public Prosecutions

Chapter 1

*“The independence of the
Director of Public Prosecutions
is a key value of the Office”*

The General Work of the Office

1.1. The Strategy Statement of the Office of the Director of Public Prosecutions defines the mission of the Office as “to provide on behalf of the People of Ireland a prosecution service which is independent, fair and effective”. The principal functions of the Director of Public Prosecutions are to decide whether or not to prosecute an individual for an alleged commission of a criminal offence, and to ensure the proper conduct of public prosecutions. The manner in which these functions are exercised is set out in more detail in Chapter 2 of the Annual Report for 1999 and in the recently published Statement of General Guidelines for Prosecutors. Both these documents can be accessed on the Office’s website (www.dppireland.ie).

1.2. The Office of the DPP works closely with the Garda Síochána and on a less frequent basis with other investigative agencies including Government Departments, the Revenue Commissioners, Revenue Solicitor, An Post, The Competition Authority, the Health & Safety Authority, as well as with other State agencies and local authorities on occasion. However, in making prosecution decisions the Director and his Office are independent of the investigative agency concerned.

1.3. There are a considerable number of ancillary tasks carried out by the Office in the exercise of its principal functions. Many aspects of this work are summarised in detail at Chapter 3.2. of the Annual Report for 1999. They include the drafting or settling of documents necessary for the prosecution of requests for extradition into the State as

well as the making of requests for international mutual assistance in criminal matters. The Office serves on committees and attends meetings relating to prosecutions and criminal law and procedure. It also organises prosecutorial conferences on an annual basis.

1.4. The Director exercises an important function concerning the prosecution of offences pursuant to the Offences Against the State Act, 1939. He has particular powers and duties as provided by sections 45 to 48 of that Act. These powers and duties concern the restriction in particular cases of the general constitutional right to trial by jury. In such cases persons may be tried in a non-jury Special Criminal Court rather than in the ordinary Courts and the Director has specified functions in the issuing of directions and certificates where he forms the opinion that the ordinary Courts are inadequate to secure the effective administration of justice.

1.5. There are other functions concerning the prosecution of offences which are performed by the Director such as the issuing of consents enabling certain indictable offences to be dealt with summarily. These functions are summarised at Chapter 3.4. of the 1999 Annual Report.

1.6. The Director also exercises certain other miscellaneous functions including functions in relation to election and referendum petitions and under the Companies Acts.

1.7. As part of his function in ensuring the proper conduct of criminal prosecutions the Director has the responsibility for 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 Office also determines and discharges the fees of Counsel who are instructed to act on behalf of the Director.

Independence

1.8. The independence of the Director of Public Prosecutions is a key value of the Office. The Supreme Court has recognised that the prosecutorial functions of the Attorney General, provided for in the Constitution, were to be exercised independently of Government. These functions were transferred to the Director of Public Prosecutions by the Prosecution of Offences Act, 1974.

1.9. Section 2 (5) of the Prosecution of Offences Act, 1974 states that 'the Director shall be independent in the performance of his functions'. Section 6 of the 1974 Act protects the Director's independence by obliging the Director and his officers to refuse to entertain a communication or representation if it constitutes an improper interference in the discharge of their functions.

Chapter 2

“Substantial progress has been made in the implementation of long-term and fundamental changes to the structure of the Office of the DPP”

Organisational Developments

2.1. Substantial progress has been made in the implementation of long-term and fundamental changes to the structure of the Office of the DPP. In the next few years further progress will be made, with the ultimate objective being to house all staff of the Office of the DPP in one location close to the courts in Dublin. The nucleus of the new office will be the existing staff of the Office of the Director of Public Prosecutions and the criminal divisions of the Chief State Solicitor's Office.

2.2. These changes arose from the recommendations of the Public Prosecution System Study Group (PPSSG), which was established in October 1998 and reported in June 1999. It was chaired by Dermot Nally (former Secretary to the Government). The terms of reference included, inter alia, a review of the manner in which crimes were currently prosecuted and a review of the functions of the Chief State Solicitor's Office, the local state solicitors and the DPP.

2.3. By Government decision of October 1999, the principal recommendations of the Group were adopted. The major organisational changes recommended were:

- (i) That the Director of Public Prosecutions should have his own solicitor acting on his behalf and that the functions currently carried out by the Chief State Solicitor in relation to criminal prosecution would be transferred to the Solicitor to the DPP. (This solicitor will be known as the Chief Prosecution Solicitor).

- (ii) The transfer of responsibility for the solicitors and legal technical staff working under the Chief Prosecution Solicitor from the Attorney General to the DPP. The solicitors could be designated for the purpose of making certain decisions in relation to prosecutions on his behalf.

- (iii) The assignment of the contracts of local state solicitors from the Attorney General to the Director. State solicitors are private practitioners contracted to carry out all State legal business in the counties outside Dublin. The great bulk (perhaps 80% or more) of this business is criminal.

- (iv) That these organisational changes should not be attempted without sufficient resources and should go ahead only if staffing was provided at the level agreed to be necessary by those in a position to assess such matters.

2.4. The implementation of the first and second recommendations are at an advanced stage and since November 2000 the newly appointed Chief Prosecution Solicitor has been planning the creation of a new solicitor service within the DPP's Office. A number of issues required to be dealt with prior to the formal transfer taking place, the most pressing of these being resourcing and staffing questions as recommended by the Nally report. At the time of going to print, these issues are almost all resolved. It is intended that by the end of 2001 the formal transfer will have taken place.

2.5. Additional staffing has been provided for the prosecution of crime on both the legal and the administrative side. This will greatly improve the quality of service being provided to the criminal justice system as a whole. It should enable the prosecution service to undertake extra initiatives aimed at improving working relationships with other parties, and will help reduce delays in the prosecution of cases.

Chapter 3

“The time limits set out in Part III of the Criminal Justice Act, 1999 are likely to lead to greater demands on the resources of the Office, its solicitor service and the Garda Síochána in relation to the processing of indictable cases”

Legal Developments

The purpose of this chapter is to make reference to a number of key legal decisions and legislative changes since the last Annual Report was published which have significantly affected, or are likely to affect, the way the Office does its business. The references are not by any means exhaustive.

3.1. In *People v Furlong* (3/7/2000) the Court of Criminal Appeal touched on the proper role of the prosecutor on the question of sentence. Traditionally, the prosecutor had a limited role in relation to sentence; being required to assist the court in arriving at the appropriate sentence by insuring that the court was aware of all relevant facts and the sentencing parameters. It was not considered proper for the prosecutor to call for a particular sentence. In *Furlong*, the Court said that if called upon to do so by the court the prosecutor should indicate whether a custodial sentence was or was not appropriate in the circumstances of the particular case. Following consultation with the Bar Council, procedures have been put in place to permit the Director to assist a court on this issue if called upon to do so. However, it must be recognised that in order to arrive at an informed view on this issue an adjournment of the case will usually be likely so that the Office can examine the evidence and reports placed before the Court. This subject is covered in more detail in the Statement of General Guidelines for Prosecutors.

3.2. In *People (D.P.P.) v Finn* (24/11/2000) the Supreme Court had to consider the time limit of 28 days for the Director to apply to the Court of Criminal Appeal for a review of a sentence which he considered to be unduly lenient. In the particular case the Central Criminal Court had sentenced the accused on 10 December, 1996 but set a date when the sentence would be reviewed. When the matter was reviewed on 22 October, 1998, the Central Criminal Court suspended the remainder of the accused's sentence. Thereafter, the Director sought to have the sentence reviewed. The Supreme Court decided that the statutory period of 28 days ran from the date of the original sentence and therefore the decision of the Central Criminal Court could not be reviewed. The Court went on to state that the practice of the courts imposing a custodial sentence and then setting a review date was undesirable and should be discontinued.

3.3. In *Eviston v Director of Public Prosecutions* (26/1/2001) the High Court prohibited a prosecution which had been commenced for the offence of dangerous driving causing death. A decision had initially been made by the Office not to prosecute. This decision was conveyed to the suspect and to the family of the deceased. It had been the practice of the Office for some time to permit interested parties to seek an internal review of a decision not to prosecute (or, indeed, to prosecute) and this is referred to in previous Annual Reports and in the Victims Charter. The father of the deceased driver sought a review of the decision not to prosecute. An internal review was carried out and a

prosecution resulted. In prohibiting the prosecution, the High Court held that the decision to alter the direction not to prosecute was the formation of a contradictory view on the same material and was therefore arbitrary and perverse. It also held that the manner in which the request for the review was acceded to was contrary to stated office policy on the issue as set out in the Office's First Annual Report for 1998. The decision, which is under appeal to the Supreme Court, has obvious implications for the operation of the system of reviews of decisions as set out in the Victims Charter.

3.4. In *Conlon v Judge Kelly and D.P.P.* (21/2/2001) the Supreme Court decided that it was not permissible to consolidate indictments notwithstanding the fact that offences were similar, when they were based on independent returns for trial.

3.5. In *Deeley v The Information Commissioner and D.P.P.* (11/5/2001) the High Court confirmed that the Freedom of Information Act, 1997 did not apply to a record held by the Office other than one concerning the general administration of the Office and further that section 18 of the Act could not be used to compel the Office to give reasons for a prosecutorial decision.

3.6. Part III of the Criminal Justice Act, 1999 came into force on 1 October, 2001. This will mean that a preliminary examination of an indictable offence will not take place in the District Court and that deposition evidence, if required, will not be taken until after an

accused has been sent forward for trial. Part III includes many other procedural changes. The time limits set out in the Part are likely to lead to greater demands on the resources of the Office, its solicitor service and the Garda Síochána in relation to the processing of indictable cases.

Chapter 4

“Fostering co-operation between prosecutors on a formal and informal basis will involve the provision of mutual assistance and exchange of information”

Work related to Policy Issues

4.1. As indicated earlier, the professional officers of the Office are required from time to time to undertake work which is not directly related to decision making on individual cases. Usually this involves membership of a committee or working group established to consider policy or procedural changes in the criminal justice system. The following are examples of some of the committee or project work which the professional staff of the Office have been involved in recently.

Offences Against the State Acts Committee

4.2. The Committee was established under the Chairmanship of Mr. Justice Anthony Hederman, former Judge of the Supreme Court, by the Minister for Justice, Equality and Law Reform. It was asked to examine all aspects of the Offences Against the State Acts, 1939 - 1998, taking into account the views of the participants to the Belfast Agreement that the development of a peaceful environment should mean a normalisation of security arrangements. It was also asked to examine the Offences Against the State Acts in the light of the threat posed by international terrorism and organised crime and Ireland's obligations under international law. It has issued an interim report on the Special Criminal Court. Its final report is expected by the end of 2001.

Video-recording of evidence of child witnesses

4.3. A committee was established by the Minister for Justice, Equality and Law Reform to draw up, co-ordinate and monitor the practice for members of An Garda Síochána and other persons involved in video recording the statement of victims of sexual offences and offences involving violence who are under 14 years of age.

4.4. The committee is chaired by a Circuit Court Judge and includes child-care professionals, members of the legal profession, Garda Síochána and Victim Support. The purpose of the committee is to facilitate the introduction of Section 16 of the Criminal Evidence Act of 1992. That section allows for such a video recording to be introduced as evidence at the trial and thus perhaps save the necessity of such a victim having to give evidence in person or if that is necessary to lessen the stress occasioned by such an experience. The section also applies to persons with mental handicap regardless of their age.

Council of Europe

4.5. A committee was established to deal with the role of the Public Prosecutor (PC-PR) under the auspices of the Council of Europe. This Committee met in Strasbourg and produced a series of recommendations which were approved in 2000. The recommendations deal with the rights, duties and obligations of prosecutors and, given

the widely varying legal systems which operate in each Council of Europe Member State, a great deal of work was required in reaching conclusions that respected the differences in the legal systems.

4.6. Following the adoption of the recommendations further meetings have taken and will take place between prosecutors from the various Member States. The aim of these meetings is to foster co-operation between prosecutors on a formal and informal basis. This will involve the provision of mutual assistance and exchange of information.

Greco

4.7. The Group of States Against Corruption (GRECO) was established in May 1999 by agreement under the auspices of the Council of Europe. The aim of the group is to improve the capacity of its members to fight corruption by ensuring compliance with undertakings given in this area through a dynamic process of mutual evaluation and peer pressure.

4.8. Each Member State agreed to nominate a list of 5 persons with relevant expertise to the Secretariat of the Council of Europe from which evaluation teams could be drawn to carry out the first evaluation round. At the request of the Department of Justice, Equality and Law Reform a Professional Officer was nominated from this Office as a representative.

4.9. The Professional Officer was involved in replying to a detailed questionnaire prepared by GRECO and met with the three person evaluation team in May, 2001. The Office will be represented at the Plenary Session in Strasbourg when the report on Ireland will be considered at the end of this year.

Chapter 5

“Terrorism notoriously involves organisations which operate in and through many States”

Mutual Assistance in Criminal Matters

Launch of Pro-Eurojust

5.1. The increasingly international nature of society facilitates the free movement of persons, goods, finance and information. This is particularly so inside the EU. Those same freedoms also facilitate and make worthwhile criminal enterprises of scale. Terrorism is one field of criminality which notoriously involves organisations which operate in and through many States. This is also the case where the criminal activity itself is in the nature of a business enterprise such as the production and distribution of controlled drugs. The trafficking of persons for purposes of their unlawful exploitation is another.

5.2. The manner in which such organisations establish themselves, recruitment to and security within such organisations, their practices, the flow of information within them, the manner in which they generate and handle resources are matters of great importance to investigators and law-makers. As our understanding of such organisations has increased so also has our realisation of the danger they represent to the creation and maintenance of an area of peace and prosperity based on freedom, security and justice. The challenge has been to perforate the jurisdictional boundaries of the Member States so as to enable investigators and prosecutors to see such organisations in their entirety and to bring available evidence-gathering and prosecutorial resources to bear so as to effectively combat them.

5.3. To date the emphasis has been on rendering assistance requested. In Europe this has taken place pursuant to a formal and formally routed request under the Council of Europe Convention on Mutual Assistance of 1959 - deeper local arrangements have been in place between close neighbours or have occurred informally on a police-to-police basis. But the formal model of mutual assistance can be slow and cumbersome and can lack the re-active dynamism which characterises true co-operation and co-ordination.

5.4. In this context the Vienna European Council in December 1998 approved an Action Plan drawn up by the Council and the Commission with a view to implementing the provisions of the Amsterdam Treaty in the area of freedom, security and justice. One of the aims of the Action Plan was that, through joint action in the police and criminal justice field, a more intense effort be made to prevent and combat organised crime. The aim was to be achieved inter alia through closer co-operation between the police forces of the Member States and the competent judicial authorities.

5.5. Discussions were therefore held within the EU on the establishment of more institutional co-operation between the prosecuting authorities of the Member States and various models for such co-operation have been put forward.

5.6. At a meeting of the European Council (E.U.) held in Tampere on 15 and 16 October 1999, future

co-operation between investigative and prosecuting authorities of Member States was established in paragraph 46 of the Council conclusions, as follows:

“To reinforce the fight against serious organised crime, the European Council has agreed that a unit (EUROJUST) should be set up composed of national prosecutors, magistrates or police officers of equivalent competence, detached from each Member State according to its legal system. EUROJUST should have the task of facilitating the proper co-ordination of national prosecuting authorities and of supporting criminal investigations in organised crime cases, notably based on Europol’s analysis, as well as of co-operating closely with the European Judicial Network, in particular in order to simplify the execution of letters rogatory.”

5.7. Since then, a proposal has been submitted on the adoption of a Council Decision setting up EUROJUST. The proposal is currently under discussion at the Council and it is intended that a Decision setting up EUROJUST should be adopted at the Justice and Home Affairs Council in December 2001. Meanwhile, in order to promote judicial co-operation between the Member States on 14 December 2000, the Council adopted a Decision establishing a Provisional Judicial Co-Operation Unit (PRO-EUROJUST).

5.8. The aim in setting up this Provisional Judicial Co-Operation Unit was to establish a forerunner to EUROJUST in order in the short term to strengthen

co-operation between Member States with a view to facilitating co-ordination in the investigation and prosecution of criminal cases. The Council Decision envisaged that each Member State would appoint a national representative to the Provisional Unit and this has been done. The Provisional Unit has been set up in Brussels. It meets in the Consilium (the Justus Lipsius building) where it is assisted by the Council Secretariat. The Provisional Judicial Co-Operation Unit began its activities on 1 March 2001. Ireland has nominated Micheál Mooney, a Professional Officer of the Office of the Director of Public Prosecutions as its representative.

5.9. The national members, working closely with the Council Secretariat and the European Judicial Network, and in accordance with national legislation, contribute to the co-ordination of investigations and prosecutions in cases concerning serious crimes and involving two or more Member States. The Unit also contributes generally to facilitating co-operation in criminal cases between the competent authorities of the Member States, and advises the Council in the negotiations on setting up the definitive EUROJUST. This Provisional Unit supplements and complements the work carried out by the European Judicial Network and by the contact or liaison persons exchanged by a number of Member States, with a view to improving judicial co-operation bilaterally.

5.10. PRO EUROJUST has no investigative or prosecutorial function or power in its own right. It is through the national member that PRO-EUROJUST

interfaces with domestic investigative and prosecutorial agencies. PRO-EUROJUST does not direct investigations or prosecutions but lends legal assistance to investigators and prosecutors in cases within its remit insofar as such assistance can be helpful. Within the limits of his/her national laws a national member may contribute to the opening of an investigation and prosecution. Under the Council Decision establishing PRO-EUROJUST, a national member is expected to perform liaison functions in achieving effective co-operation and co-ordination and may travel to a Member State in order to do so.

5.11. As a matter of practical utility, PRO-EUROJUST can ensure that in the context of organised international crime, optimum use is made of national investigative and prosecutorial resources. It can advise on where the balance of advantage lies in deciding when and where an investigative measure should be taken and who, when and where (and for what offence) a prosecution might be considered. Comparative legal analysis of a case prior to, during or after an investigation can be of significant value to investigators and prosecutors at Member State level. The pooling of expertise and avoidance of duplication should enhance the efficiency of the service as a whole.

Chapter 6

“The Office has progressed significantly in the introduction and development of information technology”

Administrative Developments

Performance Management Development System

6.1. A key objective of the Programme for Prosperity and Fairness was the implementation of a Performance Management and Development System in Departments /Offices. A Project Team has been established in the Office to work on the implementation process. A presentation on the system was given by CMOD to senior management. All Project Team Members have received training from CMOD on the introduction of the system.

6.2. Work is continuing on the implementation plan which will include training for staff at all levels in 2002. Sanction was received in June 2001 for the appointment of a Training Officer who will be engaged in delivering a programme of training appropriate to the specific needs of the Office at individual officer and business unit level.

Partnership Committee

6.3. Under 'Partnership 2000 for Inclusion, Employment and Competitiveness' management and unions agreed to provide for the setting up and development of partnership structures within organisations. A Partnership Committee has been established in the Office comprising representatives of management , unions and staff at various levels. The Committee provides a forum for the active participation and involvement of staff in the ongoing business of the

Office and in progressing the modernisation agenda under the Strategic Management Initiative.

6.4. Training for committee members was provided by the Centre for Management and Organisation Development (CMOD) at the Department of Finance in February 2000.

6.5. The Committee has been involved in a number of key business issues including the agreement of new work practices arising from changes in file management procedures, the consideration of the strategy statement for the Office for 2001-2003, a new customer service initiative and a number of local organisational issues. An extension of partnership structures is envisaged in light of the implementation of the recommendations of the PPSSG.

Information Technology

6.6. In the last few years the Office has progressed significantly in the introduction and development of information technology. The Office has created a database of all prosecution files. This development has proved to be of considerable assistance to the Office in relation to registering and maintaining files and also from the point of view of ease of access to information concerning cases.

6.7. The Office has a website (www.dppireland.ie) which contains information about the prosecution system, including the recently-published Statement of General

Guidelines for Prosecutors and the Office's Annual Reports, as well as links to other legal offices and prosecution services abroad. Information technology has also been invaluable in providing legal officers with quick access to a variety of legal materials.

6.8. It is anticipated that the development of IT will enable the Office to keep and generate better statistical information about the prosecution system generally.

6.9. At the time of writing the principal challenge facing the IT Unit is to expand the network so as to include the new Office of the Chief Prosecution Solicitor which in the short term will be housed separately from the rest of the Office of the DPP, and to ensure ease of communication and the transfer of information between the two parts of the Office.

Chapter 7

“The Office will continue to expand the range of information available to the public through our web site (www.dppireland.ie) and with the publication of our Prosecution Guidelines”

Freedom of Information

7.1. The Freedom of Information (FOI) Act 1997, effective since 21 April 1998 asserts the right of members of the public to obtain access to official information to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

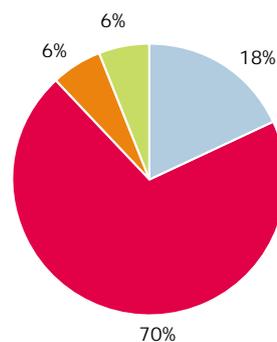
7.2. The Office of the Director of Public Prosecutions makes information routinely available to the public in relation to its structure, functions and activities through the publication of its Annual Report and Strategy Statement. The DPP's Office FOI Guide prepared and published in 1998 in accordance with Sections 15 and 16 of the FOI Act outlined the role and functions of the Office, its structure and the procedures for making a request under the FOI Act. The Guide is shortly to be revised. The Office will continue to expand the range of information available to the public through our web site and with the publication of our Prosecution Guidelines.

7.3. However, it is important that the public are aware that under the Freedom of Information Act the records of this Office are subject to the restriction provided for under section 46 (1)(b). Therefore, records held or created by the Office, other than those relating to the general administration of the Office, are not accessible under the FOI Act. **This means that records concerning criminal case files are not accessible under the FOI Act.**

7.4. As will be seen from the table below the largest proportion of FOI requests received by the Office relate to criminal case files and these records were not disclosed on the basis that they were subject to the section 46 (1)(b) restriction.

7.5. One of the decisions by the Office to refuse a requester access to records captured by the Section 46 (1)(b) restriction and upheld by the Information Commissioner was subsequently confirmed in the High Court - *Deeley v The Information Commissioner and D.P.P.* (11/5/2000).

7.6. A breakdown of the requests received and decisions taken in the year 1 January 2000 to 31 December 2000 is shown in the table below:



Total Requests	17
Access Granted/Part Granted	3
Refused/Records restricted under Sec (1) (b)	12
Refused/Records did not exist	1
Handled outside the Act	1

Appendices

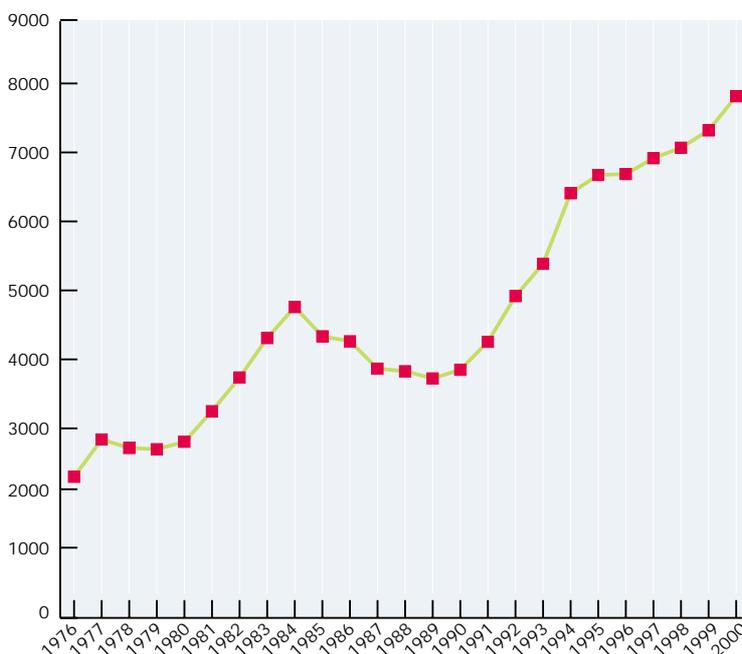
Appendix 1

Statistics

1.1. Files Received

Chart 1 shows the number of files received by the Office from 1976 to 2000. The vast majority of files relate to the investigation of a crime. The remainder deal with general queries, matters for judicial review or requests for legal advice from the Garda Síochána or state solicitors. The caseload has increased on a year on year basis since the establishment of the Office, both in terms of numbers of files received and in the complexity of the issues which have to be addressed.

Chart 1: Files received 1976 - 2000



Year	Files
1976	2298
1977	2839
1978	2715
1979	2698
1980	2806
1981	3249
1982	3938
1983	4309
1984	4759
1985	4335
1986	4263
1987	3866
1988	3829
1989	3724
1990	3849
1991	4255
1992	4917
1993	5386
1994	6408
1995	6673
1996	6687
1997	6916
1998	7068
1999	7319
2000	7815

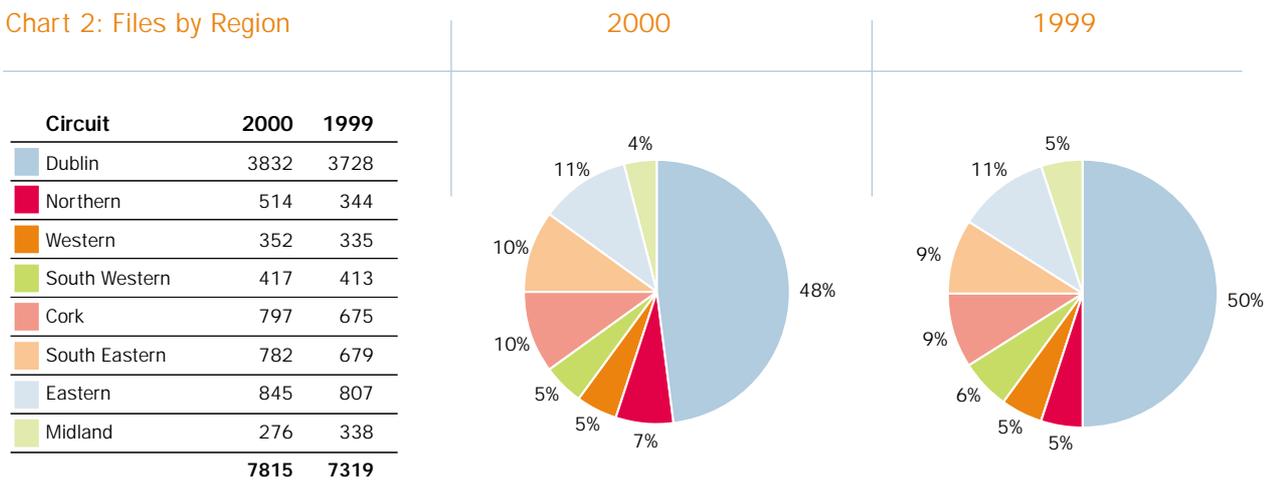
1.2. Files Received by Region

Chart 2 shows a breakdown of files received by region.

Dublin and Cork are regions in their own right. Other regions are composed as follows:

Northern	Western	South Western	South Eastern	Eastern	Midland
Donegal	Galway	Limerick	Laois	Louth	Roscommon
Leitrim	Mayo	Clare	Carlow	Meath	Offaly
Cavan		Kerry	Wexford	Kildare	Westmeath
Monaghan			Waterford	Wicklow	Longford
Sligo			Tipperary		
			Kilkenny		

Chart 2: Files by Region



1.3. Disposal of Files

Chart 3 shows a breakdown of files disposed of in 1999 and 2000. The Garda Síochána send files to the Office via the State Solicitor Service 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:

Prosecute on Indictment: The offence should be prosecuted in the Circuit, Central or Special Criminal Courts.

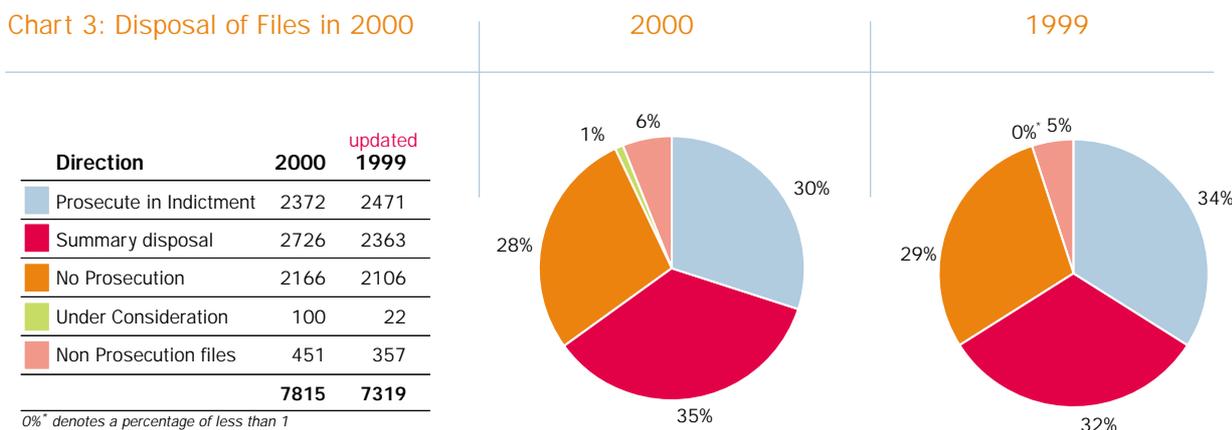
Summary Disposal: The offence should be prosecuted in the District Court.

No Prosecution: The evidence contained in the file is not sufficient to support a prosecution.

Non-Prosecution File: Typically these files relate to requests for legal advice from the Garda Síochána, state solicitors and other agencies.

Note: The figures for 1999 have been updated since the publication of last year’s Annual Report. The reduction in the files “Under Consideration” figure reflects the number of directions taken in those files. Summary disposals include those cases in which defendants elected for trial and cases where the District Judge refused jurisdiction, notwithstanding the fact that this Office initially elected for summary trial. A non-prosecution file is reclassified as a prosecution file when a Garda file is furnished.

Chart 3: Disposal of Files in 2000



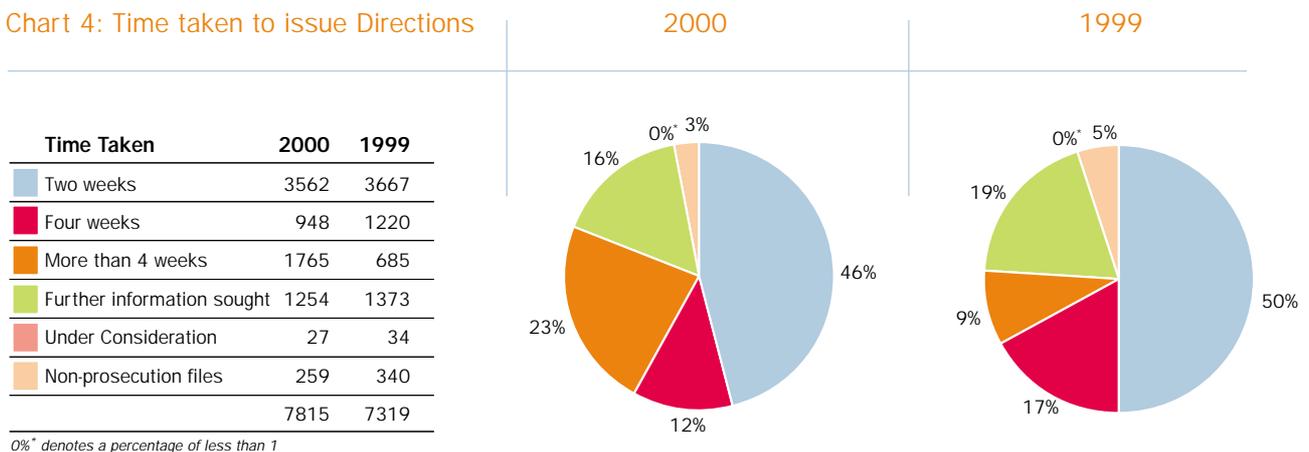
0%* denotes a percentage of less than 1

1.4. Time Taken to Issue Directions in 1999 and 2000**

Chart 4 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution should be taken or not. In a number of cases further information or investigation was required before a decision could be made. Files vary in size and complexity. Further information is sought more often than not to enhance the proofs in a case rather than because of any deficiency in the investigation.

**Figures for 2000 were compiled on a different basis to 1999.

Chart 4: Time taken to issue Directions



1.5. Case Results - Prosecutions on Indictment

Chart 5 shows the results of prosecutions on indictment taken in relation to files received in 1999.

Conviction: A conviction was obtained in respect of one or more of the defendants in the case.

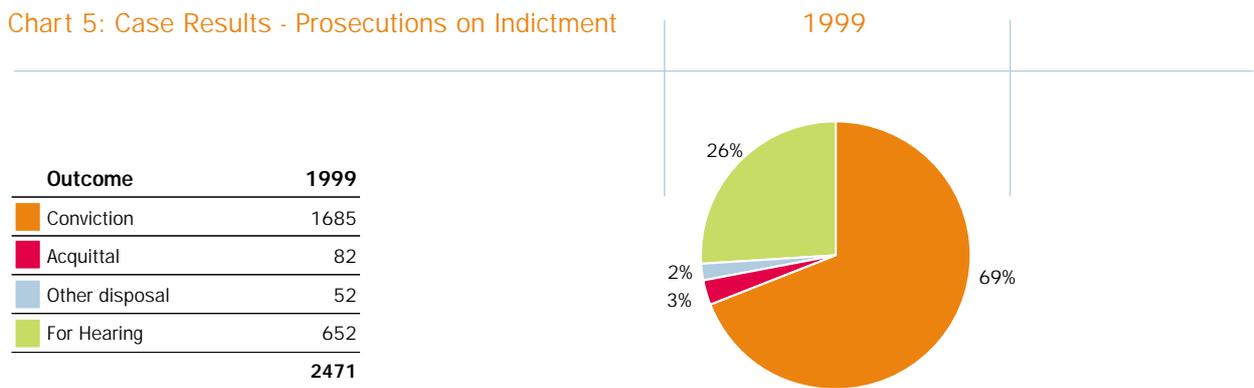
Acquittal: The defendants in the case were acquitted.

Other Disposals: These are cases which were struck out or discontinued e.g. where state witnesses were unavailable.

For Hearing: These are cases in which a decision to prosecute has been taken and the matter is before the courts.

Figures have not been included for 2000 as the majority of these cases have yet to be dealt with by the courts.

Chart 5: Case Results - Prosecutions on Indictment



1.6. Office Expenditure for 1999 and 2000

Chart 6 shows the breakdown of office expenditure for 1999 and 2000.

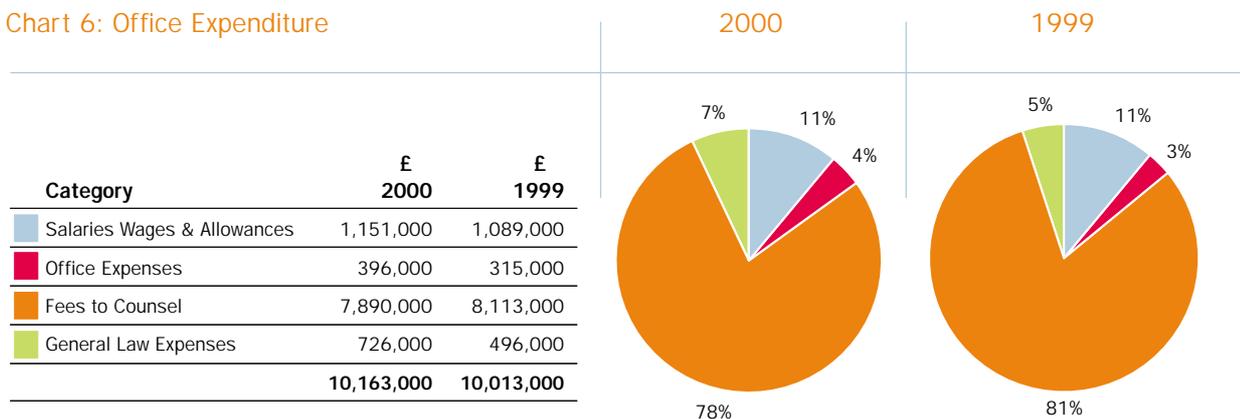
Fees to Counsel: These are fees paid to the barristers who prosecute cases on behalf of the Director in the various criminal courts.

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.

Salaries and Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2000 was 35.

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.

Chart 6: Office Expenditure



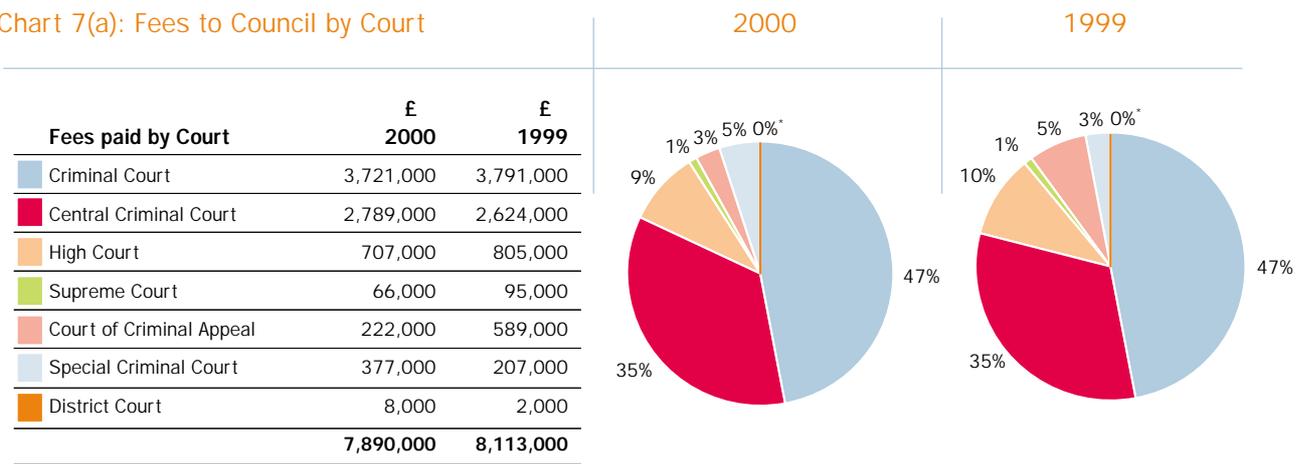
1.7. Fees to Counsel

Charts 7(a) and 7(b) 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 Central, Special and Circuit 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 7(a): Fees to Council by Court

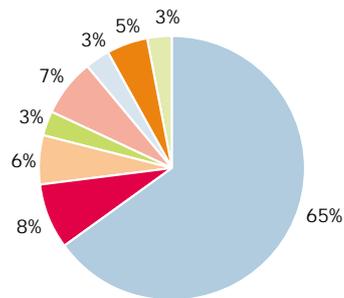


0%* denotes a percentage of less than 1

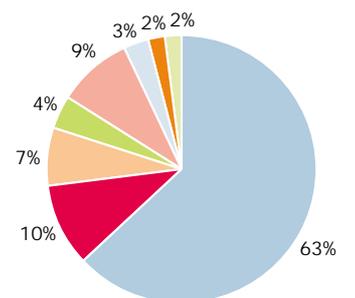
Chart 7(b): Fees to Counsel Circuit Court

Fees paid by circuit	£ 2000	£ 1999
Dublin Circuit	2,375,000	2,382,000
Cork Circuit	315,000	365,000
Eastern Circuit	240,000	259,000
Midland Circuit	110,000	137,000
South Eastern Circuit	254,000	338,000
South Western Circuit	120,000	127,000
Western Circuit	180,000	91,000
Northern Circuit	127,000	92,000
	3,721,000	3,791,000

2000



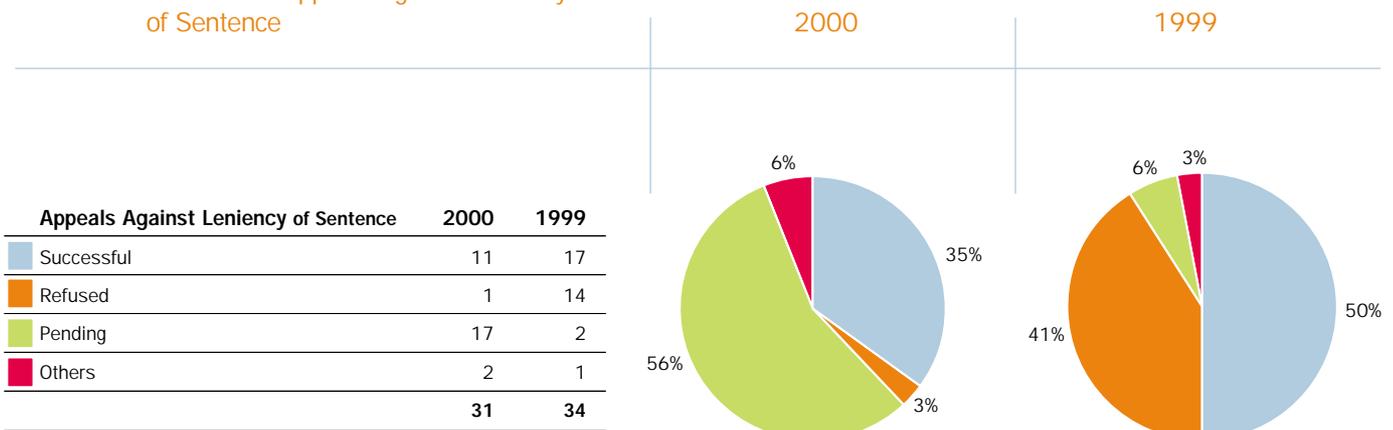
1999



1.8. Section 2 of the Criminal Justice Act 1993

In the 12 months covered by this report 31 applications were made to the Court of Criminal Appeal seeking to review sentences imposed by the trial court as being unduly lenient. The results of those applications heard during that period are set out below.

Chart 8: Outcome of Appeals against Leniency of Sentence

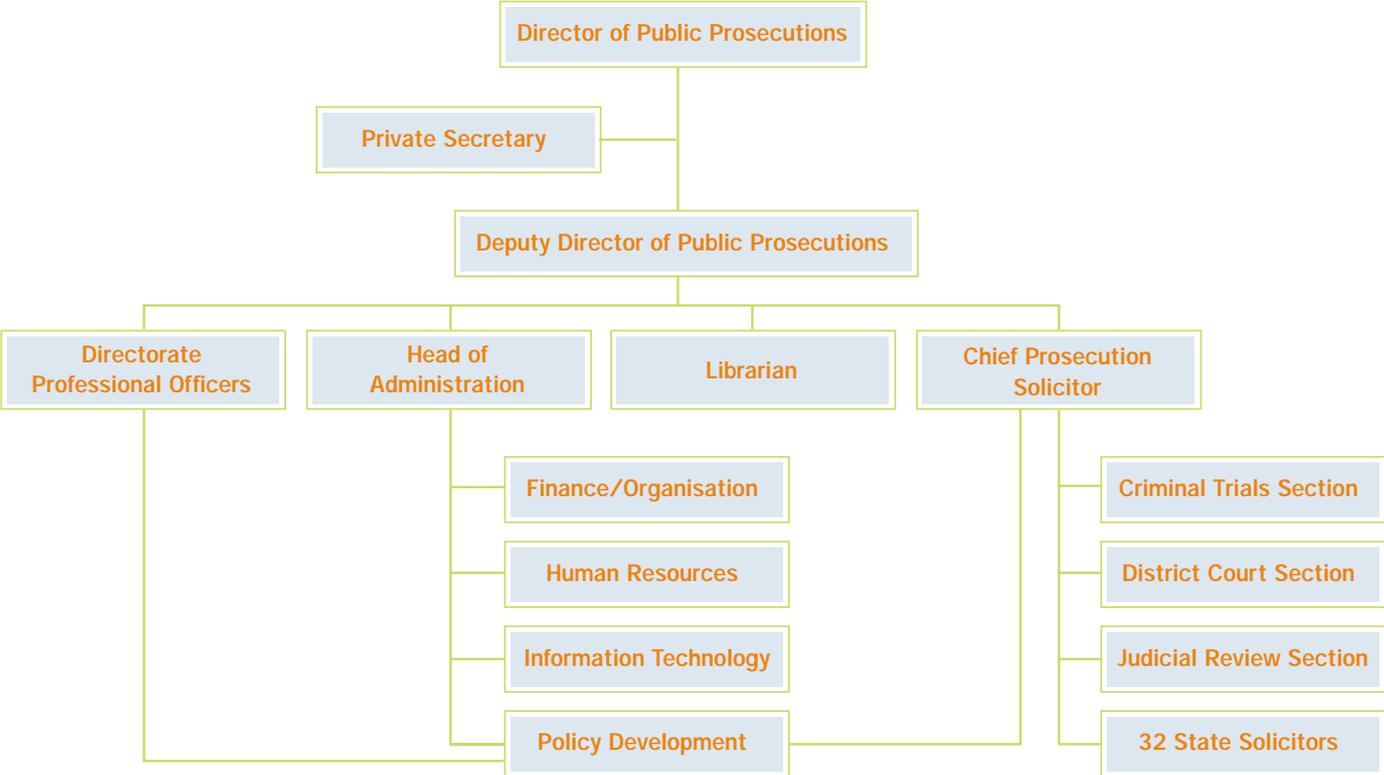


Appendix 2:

Outline of the Criminal Prosecution Process



Appendix 3: Organisation Chart



Appendix 4:

Extract from the Appropriation Account 1999

The following is an extract from the Annual Report of the Comptroller and Auditor General and Appropriation Accounts 1999.

Office of the Director of Public Prosecutions Vote 14

ACCOUNT of the sum expended, in the year ended 31 December 1999, 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
ADMINISTRATION				
A.1. Salaries, Wages and Allowances		1,152	1,089	-
A.2. Travel and Subsistence		30	53	5
A.3. Incidental Expenses		93	69	6
A.4. Postal and Telecommunications Services		41	31	1
A.5. Office Machinery and other Office Supplies		90	82	-
A.6. Office Premises Expenses		192	83	4
OTHER SERVICES				
B. Fees to Counsel				
Original	£6,222,000			
Supplementary	1,730,000	7,952	8,113	953
C. General Law Expenses		704	496	303
Gross Total				
Original	£8,524,000			
Supplementary	1,730,000	10,254	10,016	1,272
Deduct:-				
D. Appropriations in Aid		5	3	-
Net Total				
Original	£8,519,000			
Supplementary	1,730,000	10,249	10,013	1,272
SURPLUS TO BE SURRENDERED			£236,441	€300,218

Appendix 5:

Prompt Payment of Accounts Act, 1997

Operation of the Act in the Period 1 January 2000 to 31 December 2000

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 45 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.

In the period in question, the Office made 1 late payment in excess of £250. The total value of this payment was £923.23. The total value of late payments in the year amounted to £1,409.24 out of total payments of £10.2 million and interest thereon came to £4.25.

Statement of the Accounting Officer

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

All invoices from suppliers are date stamped on receipt. Invoices are approved and submitted for payment in a timely manner to ensure that payment is made within the relevant period. When the invoices are being paid the date of receipt and the date of payment are compared,

and if the relevant time limit has been exceeded, an interest payment is automatically generated. In cases where an interest payment is required, the matter is brought to the attention of management so that any necessary remedial action can be taken.

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

The procedures described above operated in a satisfactory manner in the period under review. No remedial action has been required.

Barry Donoghue
Accounting Officer
September 2001

