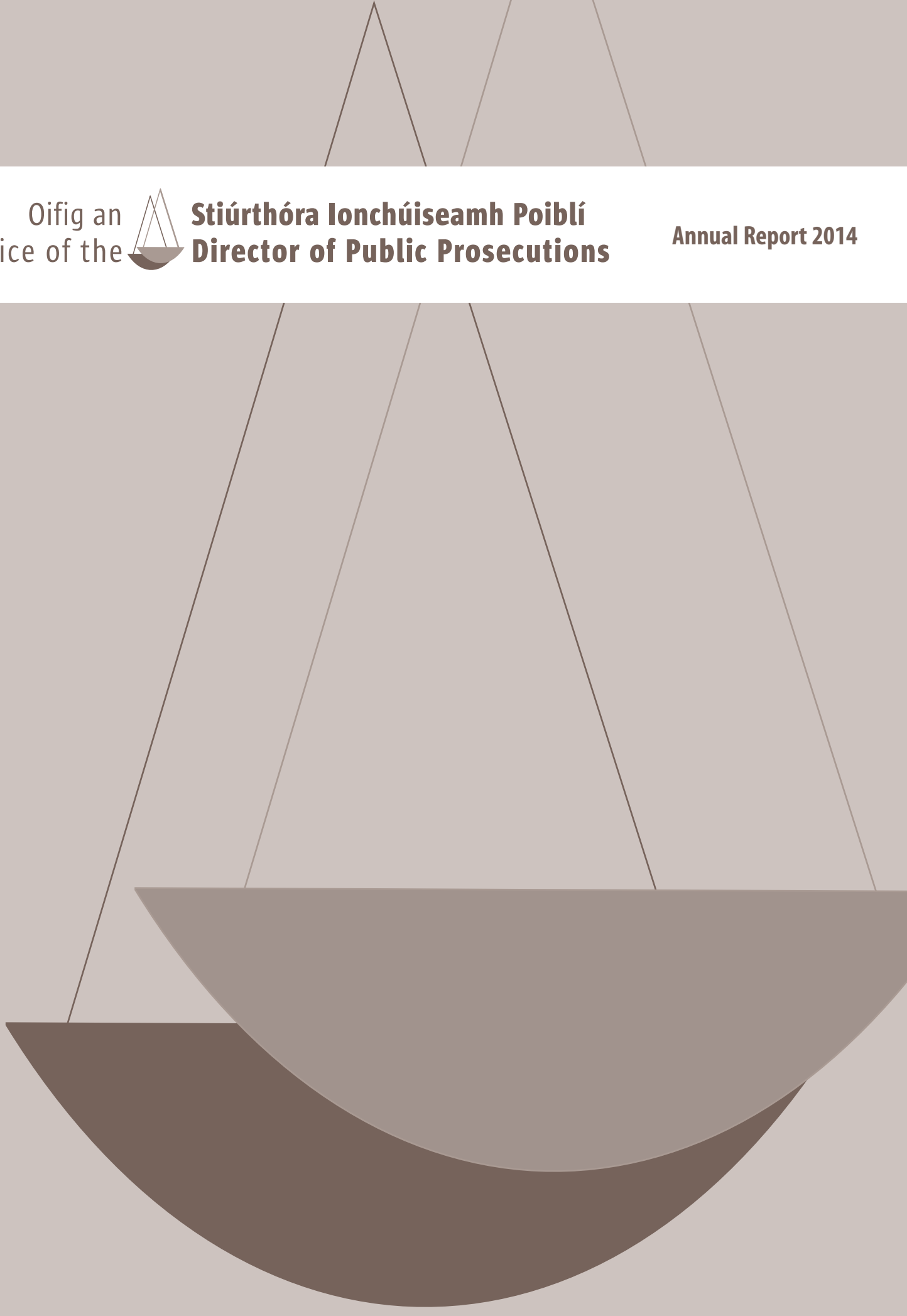
Oifig an
Office of the

Stiúrthóra Ionchúiseamh Poiblí
Director of Public Prosecutions

Annual Report 2014



This Report is also available in the Irish Language

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FOREWORD

I am pleased to present the Annual Report for 2014.

As outlined in Chapter 4, following a drop in numbers in 2012 and 2013, the number of prosecution files submitted to my Office during 2014 increased. This increase related mainly to a rise in the number of more serious cases submitted for direction as to prosecution. In 2011 we recorded the highest number ever of such files received.

Despite the overall increase in file numbers and other demands on resources the Office continued to exceed its targets for time taken to issue directions, with nearly 70% of all files being directed on within one month and nearly 90% within three months.

In 2014 we continued to achieve savings through the operation of a robust costs settlements policy. Expenditure on counsel's fees rose from €13 million to €13.4 million due to a number of lengthy trials, some related to fraud and white collar crime. This trend is set to continue in the coming years relating to matters currently before the courts.

2014 saw the establishment of the Court of Appeal. The Court first sat in November 2014 and, as is outlined in Chapter 2, by the end of the year 118 criminal appeal cases had been processed by the court. This very welcome start by the Court of Appeal continued into this year, with the result that by the end of July this year, 280 criminal appeal cases have been heard. The Court has accordingly made inroads on the considerable backlog in criminal appeals.

As previously anticipated, these developments resulted in an increase both in staff resources required to service the Court of Appeal and also in counsels' fees. The increased workload for my Office resulted in the sanction of additional staff resources by the Department of Public Expenditure and Reform. Counsels' fees paid to date this year for appeals already significantly exceed the total amount paid for the entire of 2014.

On the matter of accommodation we have still not achieved our objective of bringing all office staff into our new headquarters at Infirmary Road next to the Criminal Courts of Justice. Additional staff from our North King Street office did join us at Infirmary Road in 2014. However despite the remaining accommodation having been vacated in November 2014, it seems that completion of the project is still some way off. As I have said previously, bringing the staff of the office onto the one site is critical to achieving maximum efficiencies.

It is now unlikely that the necessary works required prior to occupation of the remaining accommodation will be completed until well into 2016.

As outlined in Chapter 3, there were significant developments within the criminal justice system in 2014 regarding the change in practice concerning interviews of suspects. Following on from the judgements in the Supreme Court in two cases

heard together (*DPP v. Raymond Gormley* and *DPP v. Craig White*), I issued advice to the Garda Commissioner that if a suspect wished to have his or her solicitor present while being interviewed during detention, that request should be acceded to. While the cases before the Supreme Court were decided on other bases the Court offered clear guidance as to its thinking on this issue for the future. It was in those circumstances that the advice was issued.

It is important to emphasise however that suspect interviews during detention have for many years been required to be not only audio recorded but also video recorded so that it is possible to see what happened during any interview. There has been ongoing liaison between my Office and An Garda Síochána and other interested parties as to how this new development should work in practice.

Looking to the future now, in the coming months it is expected that legislation will be passed transposing the EU Directive establishing minimum standards on the rights, support and protection of victims of crime into Irish law. The deadline for transposition is 16 November 2015.

On that date the EU Directive will, in accordance with EU law, have direct effect. It is an important step, establishing rights to assist victims who have suffered physically, emotionally and financially as a result of crime. My Office will, upon request by the victim, give a summary of the reasons for decisions not to prosecute, in all our decisions made on or after 16 November 2015, subject to some limited exceptions.

This work will be very resource intensive. Following proposals made to the Department of Public Expenditure and Reform I am pleased that a small dedicated unit (the Communications and Victims Liaison Unit) has been established to develop the structures and procedures required to ensure that victims and their families get the service they are entitled to. It remains to be seen whether the resources sanctioned will be sufficient to meet our obligations. This is a matter which will be kept under review in the coming months.

Finally I want to thank the staff in my Office, the State Solicitors around the country and the many members of the Bar who are involved in the operation of the prosecution service for their continued commitment and hard work.

Claire Loftus
Director of Public Prosecutions

October 2015

MISSION STATEMENT

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

PART 1:
GENERAL WORK OF THE OFFICE

1.1 GENERAL WORK OF THE OFFICE

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

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

1.1.3 The Office of the Director of Public Prosecutions has 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, provides a solicitor service to the Director 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 Appeal and the High and Supreme Courts. Outside the Dublin area 32 local state solicitors, engaged on a contract basis, provide a solicitor service in the Circuit Court and in some District Court matters in their respective local areas.

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

The three divisions are supported in their work by:

- the Policy and Research Unit which provides legal and policy research, develops prosecution policies and advises on legal policy documents referred to the Office for consideration.
- the Library Unit which provides information and know-how services for both legal and administration staff.
- The Communications & Victims Liaison Unit which is responsible for ensuring that the Office meets its obligations as set out in EU Directive 2012/29/EU, establishing minimum standards on the rights, support and protection of victims of crime.

1.2 OUTLINE OF THE CRIMINAL PROSECUTION PROCESS

AN GARDA SÍOCHÁNA & SPECIALISED INVESTIGATING AGENCIES

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

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

LOCAL STATE SOLICITOR
(Cases to be heard outside Dublin)

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

DIRECTING DIVISION OFFICE OF THE DPP

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

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

LOCAL STATE SOLICITOR
(Cases to be heard outside Dublin)

- Implement directions from Directing Division
- Attend hearings in District Court
- Prepare book of evidence in indictment cases
- Brief and assist nominated barrister conducting prosecution
- Attend trial and report outcome to Directing Division
- Provide liaison service to agencies and parties involved in the criminal process
- Direct on and conduct Judicial Review Cases

PROSECUTING COUNSEL

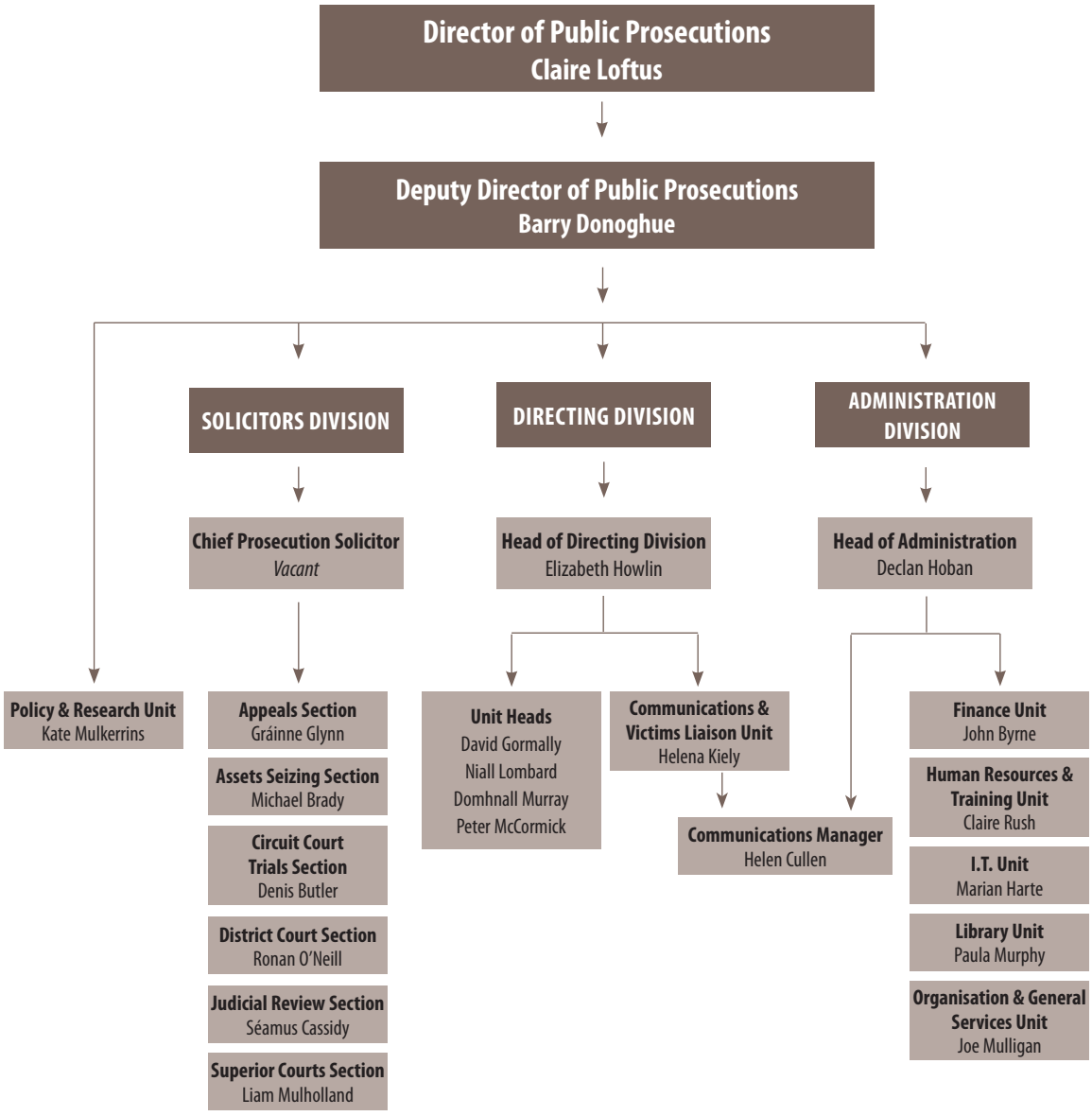
- Appear in Court and conduct prosecutions on indictment on behalf of and in accordance with the instructions of the DPP

COURTS

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

1.3 ORGANISATION STRUCTURE

(AS OF OCTOBER 2015)



PART 2:
2014 IN REVIEW

2.1 THE YEAR IN REVIEW

Introduction

2.1.1 The year 2014 marked the second year of implementation of the 2013 - 2015 Strategic Plan for the Office of the Director of Public Prosecutions. The strategic plan identifies the key priorities and challenges for the Office and sets out the strategies we will employ for the three year period to ensure the delivery of an effective and efficient prosecution service.

189
Number of staff employed in the Office of the DPP in 2014

2.1.2 Statistics relating to processing of prosecution files and outcomes of cases are set out in Part 4 of this report. This chapter outlines the management strategies that underpinned and facilitated the provision of the prosecution service during 2014.

Strategic Management

2.1.3 A key element of the strategic management of the prosecution service is our continued commitment to public service reform. In common with other public sector organisations this Office must operate in an environment of significantly reduced expenditure and staff numbers. At the same time we must continue to provide a prosecution service which is of the highest professional standard. Achieving this in the face of increasing demands has become more difficult.

2.1.4 The staff ceiling set by Government for the Office of the Director of Public Prosecutions for 2014 was 189 staff. The Office operated within this ceiling for 2014 with a total staff complement of 184.7 fulltime equivalents at 1 January 2014.

2.1.5 The Office also engages 32 state solicitors on a contract basis to represent the Director in Circuit Courts outside Dublin. In addition the Office draws from panels of barristers who are briefed on a case by case basis to prosecute cases on behalf of the Director in the various criminal courts.

2.1.6 The total cost of running the prosecution service for 2014 was €36.7m. This represents an increase of €0.55m on the cost of the service in the previous year. This increase was due in the main to the fees paid to counsel for one particularly complex and lengthy trial.

€36.7m
Cost of the Prosecution Service

2.1.7 Fees paid to counsel accounted for 37% of the total cost of the service in 2014. Another 32% was paid in salaries and wages to staff in the Office. The State Solicitor Service accounted for 17%. A further 7% represented the amount paid in legal costs awarded by the courts and 7% was spent on general office administration costs.

2.1.8 The Office of the Director of Public Prosecutions continually strives to meet the challenges of providing an effective prosecution service within the confines of

the financial restraints imposed in recent years. This Office does not have discretion over the work that it performs nor can we control the number of criminal investigation files that we receive.

2.1.9 The Office has developed robust internal control and governance procedures. Our Audit Committee, which includes independent members, met three times during 2014. Three internal audit reports were produced which covered the following areas: Review of Systems of Internal Control; Financial Reporting; and Fixed Assets. The reports were subsequently submitted to the Comptroller and Auditor General.

Training & Development

2.1.10 The legal environment in which we operate is continuously evolving. The Office must constantly keep abreast of legal developments, both nationally and internationally, and take account of the ongoing increase in complexity of criminal law and practice. It is therefore imperative that we ensure our legal staff are provided with continuous professional development opportunities so that they are conversant with the latest developments in criminal law.

2.1.11 A total of 2.47% of payroll costs was invested in staff training and development in 2014, amounting to €315,957 in total. Approximately €85,500 of this expenditure was spent on training for legal staff, together with €46,900 on the Refund of Educational Fees.

2.1.12 While the overall training budget for the Office has been reduced considerably in recent years, our Legal Training Steering Group has developed a legal training programme for staff with a strong focus on in-house development opportunities, utilising both internal and external expertise in areas of criminal law. Topics covered in 2014 included juvenile justice, evidence, and the new Court of Appeal.

2.1.13 During 2014 the Office ran an in-house Prosecutorial Based Advocacy Course, where the majority of facilitators were staff from this Office who first qualified as trainers specifically to facilitate this course. Future advocacy training in the Office will follow this model and will enable the Office to run shorter bespoke programmes as the need arises.

2.1.14 All professional staff reached their Continuous Professional Development (CPD) requirements in 2014, accumulating a total of 3,242 CPD points. This represents an increase of 10% on the number of CPD points awarded in 2013.

2.1.15 In addition to undertaking continuous professional development themselves, staff from the Office of the Director of Public Prosecution also delivered training to external agencies in relation to prosecutorial matters. This includes 53 training hours to members of An Garda Síochána and 64 hours training to trainee solicitors in the Law Society of Ireland. In addition the Office facilitated two training programmes for groups of State Solicitors covering specific areas of criminal law.

Legal Environment

2.1.16 The Office continues to work with other stakeholders in the criminal justice system in an effort to streamline procedures with a view to making the most efficient and effective use of resources.

2.1.17 2014 saw the establishment of the new Court of Appeal. This marked one of the most important developments in the structure of the courts since the foundation of the State. A referendum had been passed on 4 October 2013 proposing that Article 34 of the Irish Constitution be amended to permit the creation of a new Court of Appeal. The Court of Appeal Act 2014 was then passed into law on 20 July 2014. The new Court of Appeal was formally established on 28 October 2014.

2.1.18 The new court sits between the High and Supreme Court and took over the existing appellate jurisdiction of the Supreme Court in civil matters, and the Court of Criminal Appeal in criminal matters. Approximately 686 cases from the Court of Criminal Appeal and Supreme Court were transferred to the new court.

2.1.19 The first official sitting of the court was on Wednesday 5 November 2014. The first criminal appeal case was heard on 10 November 2014. In preparation for the court our Office deployed additional legal and administrative staff to our Appeals Section.

2.1.20 By the end of December 2014, 118 criminal appeal cases had been processed by the court. This was a great achievement and a most encouraging start for this new Court. The cases which were heard during that period were a mixture of sentence appeals by convicted persons and applications by the Director for reviews of sentences. With a backlog of cases yet to be processed by the court it is anticipated that 2015 will be a busy year for all the parties dealing with this Court.

Interaction with Other Agencies

2.1.21 The Office of the Director of Public Prosecutions is one of a number of agencies working within the criminal justice system. It is important to the work of this Office that we continuously strive to enhance relationships with individual stakeholder groups and develop initiatives to improve delivery of service.

2.1.22 In 2014 the Office again hosted the Annual State Solicitors Seminar and the Annual National Prosecutors Conference. Both these events have proved to be extremely beneficial in bringing those involved in the prosecution of crime on a national level together to discuss topical issues and new legal developments. They are also a very cost effective means of providing customised Continuing Professional Development training to the broader cohort of prosecutors.

2.1.23 The Office continues to participate in and contribute to various inter-agency groups including: the Criminal Law Committee of the Law Society of Ireland; the Advisory Committee on the Interviewing of Persons in Garda Custody; an inter-departmental group examining issues relating to people with mental illness who come into contact with the criminal justice system; various Courts Service User Groups; the Victims Services Liaison Group established by the Department of Justice & Equality; the Criminal Justice Working Group; Department of Transport on the Application of Penalty Points; the Youth Diversion Programme Group; and the Anti Money Laundering Steering Committee established by the Department of Finance.

2.1.24 The Office contributed to the development of criminal law at an international level and participated in a number of initiatives involving international organisations. We also continued to contribute to the work of international bodies and organisations including EUROJUST; GRECO; OLAF; Eurojustice; the International Association of Prosecutors; the International Society for the Reform of Criminal Law; and the International Bar Association.

2.1.25 In August 2014 the Office facilitated a visit from judges and legislators from Uganda. The delegation was given an overview of the work of this Office, in particular the

work undertaken by our Asset Seizing Section and by our lawyers in the Special Criminal Court.

2.1.26 In May 2014 the Office of the Director of Public Prosecutions submitted a bid to host the 21st Annual Conference and General Meeting of the International Association of Prosecutors (IAP) in Dublin in September 2016. The bid was successful and planning for the conference is now underway. The IAP conference provides the opportunity for prosecutors from around the world to meet with colleagues to discuss criminal law issues, share best practice experiences, and learn from criminal prosecutors who are experts in specific areas of criminal law. The annual conference typically attracts an attendance of between 350 to 500 prosecutors from prosecution services around the globe representing up to 95 different jurisdictions.

2.2 OFFICE EXPENDITURE

Chart 2.2.1 shows the breakdown of office expenditure for 2014, 2013 and 2012

Salaries & Wages: This represents the cost of salaries of staff employed in the Office. The total staff complement at 1 January 2014 was 184.7.

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

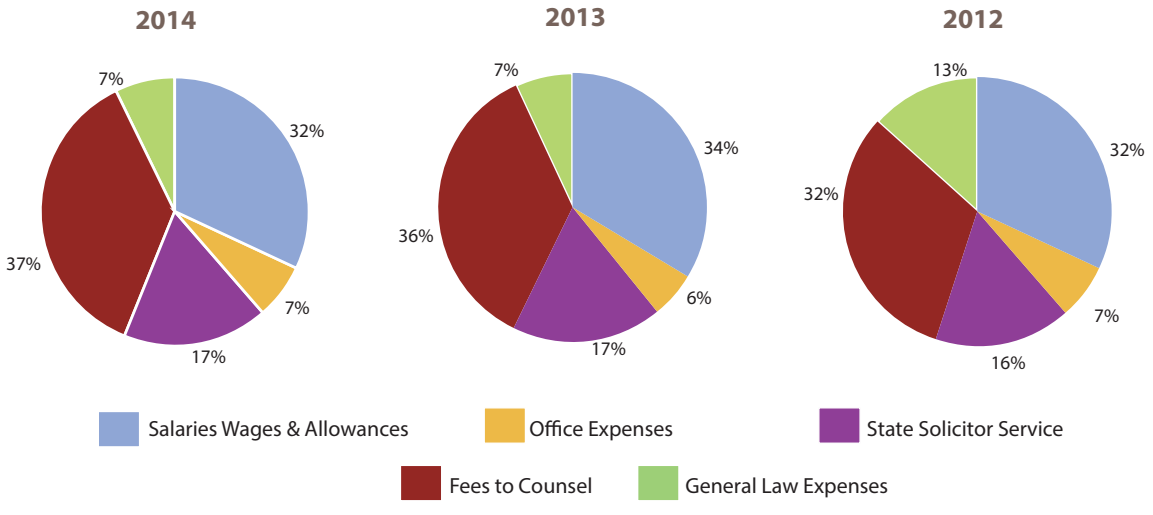
State Solicitor Service: This refers to payment of salaries and expenses to the 32 State Solicitors in private practice who are contracted to this Office to represent the Director in courts outside Dublin.

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

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

CHART 2.2.1: OFFICE EXPENDITURE

	2014	%	2013	%	2012	%
	€		€		€	
Salaries Wages & Allowances	11,825,780	32%	12,154,661	34%	12,433,570	32%
Office Expenses	2,427,721	7%	2,065,636	6%	2,581,245	7%
State Solicitor Service	6,401,954	17%	6,499,799	17%	6,436,710	16%
Fees to Counsel	13,399,223	37%	13,016,063	36%	12,277,163	32%
General Law Expenses	2,647,470	7%	2,412,643	7%	5,118,017	13%
TOTAL	**36,702,148**		**36,148,802**		**38,846,705**	



Charts 2.2.2 & 2.2.3 show a breakdown of expenditure on fees to counsel in the various criminal courts and by region in respect of the Circuit Criminal Court.

Fees paid to counsel in the Circuit, Central & 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 2.2.2: FEES TO COUNSEL PAID BY COURT

	2014 €	%	2013 €	%	2012 €	%
Circuit Court	7,615,411	57%	7,501,518	58%	6,832,055	56%
Central Criminal Court	3,252,484	24%	3,490,017	27%	3,389,493	28%
High Court	1,043,487	8%	1,182,939	9%	1,097,662	9%
Supreme Court	311,567	2%	157,760	1%	207,376	2%
Court of Appeal	583,240	4%	433,760	3%	415,389	3%
Special Criminal Court	578,904	4%	230,029	2%	324,105	3%
District Court	14,130	0%	20,040	0%	11,083	0%
TOTAL	**13,399,223**		**13,016,063**		**12,277,163**	

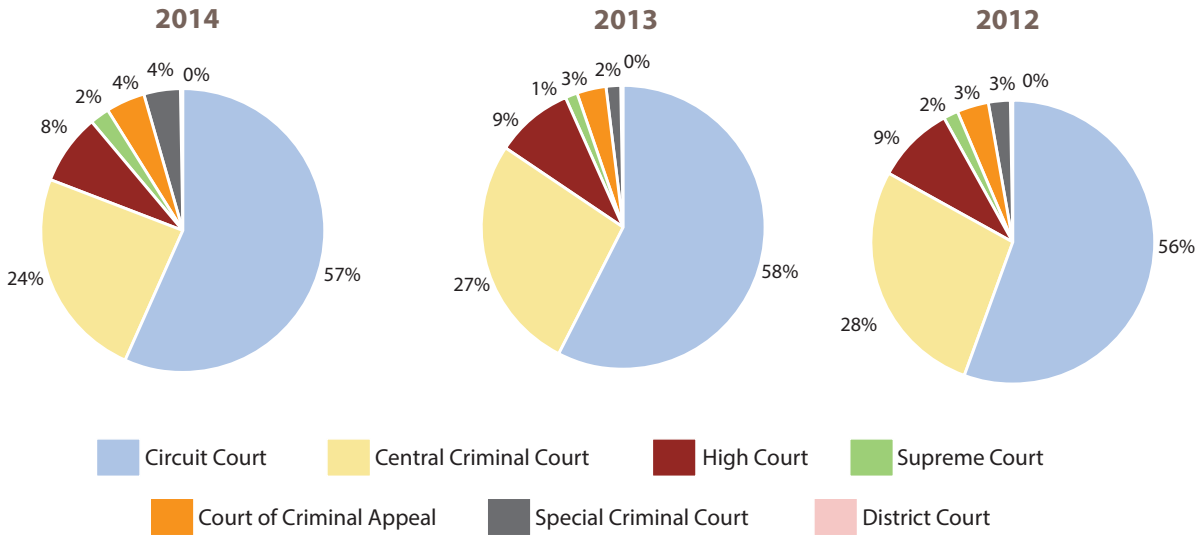
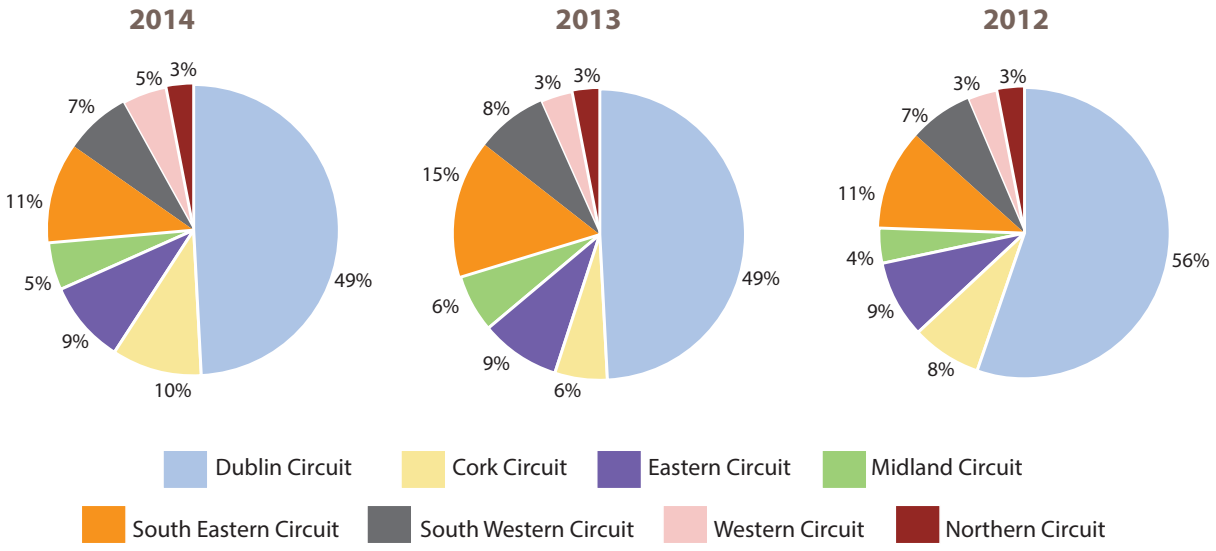


CHART 2.2.3: FEES TO COUNSEL PAID BY CIRCUIT

	2014 €	%	2013 €	%	2012 €	%
Dublin Circuit	3,752,005	49%	3,703,814	49%	3,793,304	56%
Cork Circuit	754,179	10%	437,232	6%	516,238	8%
Eastern Circuit	707,131	9%	659,969	9%	587,581	9%
Midland Circuit	402,754	5%	483,444	6%	268,423	4%
South Eastern Circuit	844,631	11%	1,140,316	15%	764,846	11%
South Western Circuit	557,258	7%	591,107	8%	478,994	7%
Western Circuit	380,445	5%	259,606	3%	230,683	3%
Northern Circuit	217,007	3%	226,030	3%	191,986	3%
TOTAL	**7,615,410**		**7,501,518**		**6,832,055**	



2.3 EXTRACT FROM APPROPRIATION ACCOUNT 2013

Account of the sum expended in the year ended 31 December 2013, compared with the sum granted and of the sum which may be applied as appropriations-in-aid in addition thereto, for the salaries and expenses of the Office of the Director of Public Prosecutions.

		Estimate Provision €'000	2013 Outturn €'000	2012 Outturn €'000
PROGRAMME EXPENDITURE				
A.	Provision of Prosecution Service	38,389	37,145	39,890
	Gross Expenditure	**38,389**	**37,145**	**39,890**
	Deduct			
B.	**Appropriations-in-Aid**	**975**	**996**	**1,043**
	Net Expenditure	**37,414**	**36,149**	**38,847**

Surplus for Surrender

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

	2013	2012
Surplus to be Surrendered	1,265,198	706,295

Analysis of Administration Expenditure

		Estimate Provision €'000	2013 Outturn €'000	2012 Outturn €'000
I.	Salaries, Wages and Allowances	12,831	13,025	13,321
II.	Travel and Subsistence	109	95	97
III.	Training and Development and Incidental Expenses	1,096	868	965
IV.	Postal and Telecommunications Services	270	182	287
V.	Office Equipment and external IT Services	841	470	607
VI.	Office Premises Expenses	716	543	747
VII.	Consultancy Services and Value for Money & Policy Reviews	37	33	34
		15,900	**15,216**	**16,058**

2.4 PROMPT PAYMENT OF ACCOUNTS ACT, 1997

Late Payments in Commercial Transactions Regulations 2002

OPERATION OF THE ACT IN THE PERIOD 1 JANUARY 2014 TO 31 DECEMBER 2014

2.4.1 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 counsel's fees within 30 days of receipt of a case report form in each case.

2.4.2 In the period in question, the Office made 5 late payments in excess of €317.50. The value of these payments was €13,165. The total value of late payments in the year amounted to €13,408 out of total payments of €2.74 million and interest thereon came to €243.66.

Statement of the Accounting Officer

2.4.3 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.

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

2.4.5 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
June 2015

2.5 FREEDOM OF INFORMATION

2.5.1 The Freedom of Information Act 1997, as amended by the Freedom of Information (Amendment) Act 2003, asserted the right of members of the public to obtain access to official information, including personal information, to the greatest extent possible consistent with the public interest and the right to privacy of individuals.

2.5.2 On 14 October 2014, the Freedom of Information Act 2014 came into effect and repealed the 1997 and 2003 Acts. The old legislation continues to apply to any FOI requests made before the new legislation came into effect and to any subsequent reviews or appeals.

2.5.3 Section 42(f) of the Freedom of Information (FOI) Act 2014 - formally section 46(1)b) of the 1997 Act - provides a right of access only with regard to records which relate to the general administration of the Office of the DPP. This in effect means that records concerning criminal prosecution files are not accessible under the FOI Act.

2.5.4 The Office continues to make FOI information available as readily as possible. Our section 15 and 16 Reference Book is available on our website, www.dppireland.ie. This publication outlines the business of the Office including the types of records kept.

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

2.5.6 During 2014 a total of fourteen requests were submitted to the Office. Four requests were granted/part granted and ten of the requests were refused under the Act. The reason for the refusals was that the records sought did not relate to the general administration of the Office.

2.5.7 Three of the requests were submitted by journalists, while the other eleven requests were made by members of the public.

2.5.8 In the ten cases where requests were refused, none of the requesters sought an internal review of the original decision.

Requests Received 2014	
Requests Granted	4
Requests Refused	10
TOTAL REQUESTS	**14**

Requesters 2014	
Journalists	3
General Public	11

Reviews 2014	
Requests for Internal Review	0
Requests to the Information Commissioner for Review	0

2.6 ANNUAL ENERGY EFFICIENCY REPORT 2014

Overview of Energy Usage in 2014

2.6.1 In 2014, the Office of the Director of Public Prosecutions consumed 1,888.39MWh of energy.

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

This figure is compiled as follows:

- 943.65 MWh of Electricity
- 944.74 MWh of Natural Gas

Actions Undertaken in 2014

2.6.2 During 2014, energy efficiency monitoring continued in collaboration with external consultants and maintenance contractors. Actions taken during 2014 include the following:

- Monitoring of the computerised Building Management System (BMS) continued and gas boilers were switched off for extended periods over the summer.
- The Office registered with SEAI for online Monitoring and Reporting of energy management and consumption.
- Ongoing energy awareness campaign including signage to encourage staff to switch off equipment wherever possible and to use the stairs more and the lifts less continued.

Actions Planned for 2015

2.6.3 Actions planned for 2015 include the following:

- Examination of potential for greater use of the BMS system in managing energy consumption.
- Continuation of awareness campaign using signage and posters.
- Review of water heating controls at Infirmary Road.
- Examination of potential for improvements in the management of the heating systems at Infirmary Road, to include planning for suitable boiler systems upgrade.

2.7 IRISH LANGUAGE SCHEME

2.7.1 The 3rd Irish Language Scheme for the Office of the Director of Public Prosecutions was approved by the Minister for Arts, Heritage and the Gaeltacht in January 2014. A copy of the Scheme is available on our website at www.dppireland.ie.

2.7.2 During the first year of implementation of the 3rd Scheme the Office of the Director of Public Prosecutions dealt with one letter and one e-mail in the Irish Language. No telephone calls were received which required to be dealt with in Irish. Irish language services were required in three Circuit Court cases and one Central Criminal Court case in the period under review.

2.7.3 The Office produced two publications during 2014 - the Annual Report 2013 and the 3rd Irish Language Scheme. Both publications were produced bilingually.

2.7.4 The Office website is maintained and updated in bilingual format. The English text of any changes to the website are forwarded to external translators in advance of being posted on the website so that the changes are available in both the Irish and English versions of the website simultaneously on go-live.

2.7.5 The total number of page views on the Leagan Gaeilge of our website during the period under review was 415. This represents 0.33% of all page views on our website. Apart from the Irish homepage, the top 3 Irish pages visited during the period were: Quality Service; What's New; and About Us.

2.7.6 Our Training Unit continues to promote Irish Language training courses to ensure that the Office can fulfil its obligations under the Official Languages Act. During 2014 the Irish Language Officer, in association with the Training Officer, sourced a course in Legal Irish which it was felt would be very useful for lawyers from this Office. This four part internal Legal Irish Course subsequently took place in March 2015.

PART 3:
LEGAL DEVELOPMENTS

3.1 LEGAL DEVELOPMENTS 2014

INTRODUCTION

3.1.1 This chapter gives a brief outline of some of the Court decisions during the past year which are important or interesting or have precedent value for prosecution work. Space does not permit a comprehensive review of all the case law from 2014 but the cases mentioned should give the reader an idea of some of the issues which arise from time to time in the prosecution of offences.

ARREST

***DPP v. Peter Cullen* [2014] IESC 7, Fennelly J. February 18, 2014**

3.1.2 In this case the Supreme Court held that the arrest and detention of the accused for drink driving was unlawful in circumstances where the prosecuting Garda had operated a general policy of handcuffing suspects without regard to the circumstances in individual cases. The prosecuting Garda had agreed in court that the accused had showed no signs of resisting arrest. Use of handcuffs can be justified in individual cases.

ACCESS TO LEGAL ADVICE

***DPP v. Raymond Gormley and DPP v Craig White* [2014] IESC 17, Clarke J. March 6, 2014**

3.1.3 In these joined cases the Supreme Court held that Article 38.1 of the constitution which guarantees the right to trial "in due course of law" extends to a suspect in custody having a right to access to a lawyer prior to the commencement of interrogation and not just reasonable access (Gormley). This was a very significant decision. However, this right does not extend to the taking of bodily samples for forensic examination (White).

BAIL

***DPP v. David Mulvey* [2014] IESC 18, Dunne J. February 25, 2014**

3.1.4 The State when opposing bail on "O'Callaghan grounds" should set out clearly the O'Callaghan grounds it is invoking. In this case the objections to bail were too broad and the evidence presented to the court of alleged intimidation of witnesses did not support the decision of the court to refuse bail.

***Leroy Roche aka Dumbrell v. Governor of Cloverhill Prison* [2014] IEHC 349, MacEochaidh J. July 4, 2014**

3.1.5 The Bail Act 1997 does not replace the original jurisdiction of the High Court or the jurisdiction of the court seised with the trial of the offence to revoke bail. The Courts still have common law powers to grant and revoke bail which are in addition to its powers contained in the Bail Act 1997.

BILINGUAL JURY

***Peadar O'Maicin v. Ireland, AG and DPP* [2014] IESC 12, Clarke J. March 2, 2014**

3.1.6 The accused, a native Irish speaker, sought to have his trial heard by a bilingual jury. The Supreme Court held that an accused has a constitutional right to the use of the Irish language in court proceedings but this right is not absolute and there is no constitutional right to a bilingual jury.

CASE STATED

***DPP v. Slavikas Kudriacevas* [2014] IEHC 53, O'Neill J. February 7 2014**

3.1.7 In this case stated application the High Court held that section 45 of the Criminal Justice (Miscellaneous Provisions) Act 2009 together with Order 122 rule 7 of the Rules of the Superior Courts 1986 gives the High Court jurisdiction to enlarge the three day time limit for service of the signed case stated on the respondent.

COURT POOR BOX

***Joseph Kennedy v. District Judge Gibbons and DPP* [2014] IEHC 67, Hogan J. February 20, 2014**

3.1.8 The High Court held that the District Court does not have jurisdiction to apply the poor box to offences where the statute which created the offence specifically excludes the possibility of applying the Probation of Offenders Act 1907 or where the statute provides for the imposition of penalty points.

CRIMINAL JUSTICE (THEFT AND FRAUD) OFFENCES ACT 2001

***DPP v. Sarah Johnston and Dean Gibbons* [2014] IEHC 104, Hogan J. March 5, 2014**

3.1.9 In this theft case the High Court held that it was not necessary for the charge sheet to contain the exact name of the company as set out in the certificate of incorporation provided the name on the charge sheet contains reasonable information as to the identity of the owner of the stolen property and is not otherwise misleading.

INDECENT EXPOSURE

***Kevin McInerney v. DPP and Brendan Curtis v DPP* [2014] IEHC 181, Hogan J. April 9, 2014**

3.1.10 In these joined cases the High Court declared that the offence of "offending modesty" contrary to section 18(1) of the Criminal Law Amendment Act 1935 was unconstitutional on the basis that the offence was extremely vague and subjective in character. The two aspects of the offence under section 18 of "causing scandal" and "injuring the morals of the community" had already been declared to be unconstitutional in 2013 in the case of *David Douglas v. The Director of Public Prosecutions, Ireland and The Attorney General* [2013] IEHC 343, Hogan J. 26 July 2013.

DELAY

***Patrick Donoghue v. DPP* [2014] IESC, 55, Dunne J. July 30, 2014**

3.1.11 Applicant granted order of prohibition by Supreme Court. The Applicant was a juvenile when charged with serious drug offences. There was a sixteen month delay in charging him. Jurisdiction was refused in the case resulting in the case being heard in the adult's court. The Supreme Court held that prosecutorial delay resulted in the applicant losing the benefit, such as the sentencing limits and his right to anonymity, of being dealt with in the Children Court

***G v. DPP* [2014] IEHC 33, O'Malley J. January 24, 2014**

3.1.12 Applicant granted order of prohibition by High Court. The Applicant was a juvenile when charged with rape offences. He was aged 15 years when alleged offences occurred in 2008. He was not charged until 2012 when aged 19 years. It was held that prosecutorial delay by Gardaí resulted in the applicant suffering prejudice by losing the benefit of being dealt with in the Children Court such as the sentencing limits and his right to anonymity. The court found that the State has a special duty to expedite proceedings involving juveniles.

***J.(S). T v. DPP* [2014] IEHC, 5, Kearns P. January 17, 2014**

3.1.13 The applicant was refused an order of prohibition by High Court. The Applicant was aged 71 years when charged with multiple counts of indecent assault alleged

to have been committed between 1979 and 1981. The High Court held that there was no evidence of prosecutorial delay and no evidence of inability of the applicant to defend himself on medical grounds.

FITNESS TO PLEAD

***F.X v. The Clinical Director of the Central Mental Hospital and DPP* [2014] IEHC 4, Denham CJ. January 23, 2014**

3.1.14 The Supreme Court held that a court order for detention under section 4 of the Criminal Law (Insanity) Act 2006 must comply with requirements for the two part process outlined in the legislation. The two stage process involved an initial court hearing to order 14 days detention to facilitate medical examination, and a second hearing so that the court can determine if further detention is necessary, based on that examination.

JUDICIAL REVIEW

***Michael Farrell v. Governor of St. Patrick's Institution* [2014] IESC 30, Denham CJ. April 10, 2014**

3.1.15 The Supreme Court held that a High Court grant of a stay in judicial review proceedings does not prevent a District Court judge from making an order remanding an accused to another date. A stay does not terminate the District Court proceedings but suspends or postpones them pending the determination of the judicial review.

REASONS FOR DECISIONS IN THE DISTRICT COURT

***Patrick Kenny v. District Judge Coughlan* [2014] IESC 15, Denham CJ. March 5, 2014**

3.1.16 The Supreme Court held the degree to which a District Court judge must give reasons for his decisions will depend on the nature of the case. In some summary trials it can be sufficient for the judge to say that he prefers the evidence of one party over the other without having to elaborate on the obvious. In this case the charge was a minor speeding offence and the appellant had complained that the District Court judge had not provided a detailed enough reason why he was accepting the evidence of the prosecution witnesses.

PRE-TRIAL PUBLICITY

***Breifne O'Brien v. DPP* [2014] IESC 39, Denham C.J. May 14, 2014**

3.1.17 The Applicant was charged with theft offences and sought to prohibit his trial on the basis of adverse pre-trial publicity. The Supreme Court refused the application. A number of years had passed since the bulk of the publicity had occurred. The application of the fade factor and the fact that the trial judge would be in a position to give directions to the jury ensured that there could be a fair trial.

REVOCATION OF A SUSPENDED SENTENCE

***Damien McCabe v. Ireland, AG and DPP* [2014] IEHC 435, Hogan J. September 29, 2014**

3.1.18 The High Court declared unconstitutional the absence of an appeal where the Circuit Court has imposed a suspended sentence on District Court appeal, and decides to reactivate the sentence. The remedy proposed by the court was to declare the resulting reactivation unenforceable pending the resolution of the unconstitutionality.

***DPP v. Jeffrey Carter* [2014] IEHC 179, O'Malley, March 21, 2014**

3.1.19 The High Court held that the reference to the "next sittings" in section 99(9) of the Criminal Justice Act 2006 was mandatory rather than directory and if an accused was remanded to a sitting that was not the next sitting of the other court, that court did not have jurisdiction to consider revoking the suspended sentence.

SENTENCING

DPP v. Anthony Lyons [2014] IECCA 27, Murray J. July 31, 2014

3.1.20 The Court of Criminal Appeal held that the sentence imposed on the Respondent was unduly lenient. The Respondent had been convicted of a sexual assault offence which was at the 'upper echelon' of the sentencing scale. He was found guilty and sentenced to 6 years imprisonment with 5 ½ years suspended on various terms. The DPP sought a review of the sentence. The Court held that the trial judge had erred in principle by giving too much weight to the range of mitigating factors raised by the Respondent. It quashed the original sentence and imposed a sentence of 6 years, suspending the last 4 years.

DPP v. Z [2014] IECCA 13, Clarke J. March 18, 2014

3.1.21 In this case the Court of Criminal Appeal stated that the prosecution should draw to the sentencing judge's attention any Court of Criminal Appeal guidance which touched on the ranges or bands of sentence which may be considered appropriate. The Court had recently provided sentencing guidance for offences of causing serious harm and possession of a firearm in suspicious circumstances.

DPP v. Fitzgibbon [2014] IECCA 12, Clarke J. March, 18, 2014

3.1.22 The Court of Criminal Appeal established sentencing guidelines for the offence of causing harm contrary to section 4 of the Non Fatal Offences Against the Person Act 1997. It recommended that in the absence of unusual factors, and before mitigating factors are considered, a sentence for a lower end of the range offence should be between 2-4 years. For a middle range offence it should be a sentence of between 4 and 7½ years. For most serious type offence it should be a sentence of between 7 and 12½ years. Finally there could be exceptional cases which, without mitigation, would warrant a sentence of between 12½ years and life.

DPP v. Ryan [2014] IECCA 11, Clarke J. March, 18, 2014

3.1.23 The Court of Criminal Appeal established sentencing guidelines for the offence of possession of a firearm in suspicious circumstances contrary to section 27A of the Firearms Act 1964 as amended. It recommended that before mitigating factors are considered, a sentence for a lower end of the range offence should be between 5 and 7 years. For a middle range offence it should be a sentence of between 7 and 10 years. For an offence at the top of the range it should be a sentence of between 10 and 14 years.

SECTION 4E APPLICATIONS TO DISMISS

DPP v. Ibrahim Lawel [2014] IECCA 33, MacMenamin J. October 24, 2014

3.1.24 The respondent had been charged with drug offences. It was alleged that he had taken receipt of a parcel, by means of a controlled delivery, which contained controlled drugs. A section 4E application was brought before the Circuit Court. The judge ruled that the interception of the drugs by the customs officers was unlawful and discharged the respondent. The Director appealed the decision to the Court of Criminal Appeal. That court quashed the order of the Circuit Court ruling that the issue of an illegal search cannot be appropriately dealt with under section 4E and that a trial court is required to consider a significant range of matters, and conduct a balancing exercise before making a determination on the issue of admissibility. The Court directed that the matter should proceed to trial.

SPECIAL CRIMINAL COURT

DPP v. M.C [2014] IESC 28, Fennelly J. April 9, 2014

3.1.25 The Supreme Court held that section 30(3A) of the Offences Against the State Act 1939 prohibits the Gardaí from questioning a suspect held under the Act for an offence

other than the one for which he is detained, unless the Garda in charge of the station has reasonable grounds to believe that the suspect's continued detention would be necessary to properly investigate the offence.

Thomas Murphy v. Ireland, AG and DPP [2014] IESC, O'Donnell, J. March 11, 2014

3.1.26 The Supreme Court held that the DPP should, if possible, give reasons to an accused, if requested, as to why it was decided to try the accused in the Special Criminal Court rather than by jury. The reasons need only be very general and there is no requirement to have an oral hearing, cross-examination of witnesses or to provide for submissions.

PART 4:
STATISTICS

STATISTICS

Explanatory Note in Relation to Statistics

4.1 Part 4 is broken down into five distinct sections:

- Charts 1 to 5 (Part 4.1) relate to the receipt of files in the Office and include details on the types of directions made;
- Charts 6 to 10 (Part 4.2) provide details of the results of cases prosecuted on indictment by the Director in respect of files received in the Office between 2011 and 2013.
- Charts 11 to 13 (Part 4.3) relate to applications to the Courts for review of sentence on grounds of undue leniency; confiscation and forfeiture of criminal assets; and European Arrest Warrants.
- Chart 14 (Part 4.4) provides details of the preparation/issue of Extradition Requests (seeking the extradition of individuals who are not present in European Arrest Warrant member states).
- Chart 15 (Part 4.5) provides details of requests for mutual legal assistance processed by the Office of the DPP.

4.2 All the yearly demarcations in the statistical tables refer to the year the file was received in the Office. The reason for going back so far in charts 6 to 10 is to take account of the time difference between a decision to prosecute being made and a trial verdict being recorded. If statistics were to be provided in respect of 2014 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.

4.3 In this report we have attempted in most instances to include updated versions of the data set out in previous Annual Reports in order to give a fuller account of the progress made since that data was previously published. Because of the continuous change in the status of cases - for example, a case which was pending at the time of a previous report may now have concluded - information given in this report will differ from that for the same cohort of cases in previous reports. In addition, data from two different years may not be strictly comparable because as time goes on more cases are completed so that information from earlier years is necessarily more complete than that from later years. Unless otherwise stated, data included in these statistics was updated in June 2015.

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

4.1 PROSECUTION FILES RECEIVED

Chart 1 shows the total number of prosecution files received by the Office of the Director of Public Prosecutions from 2002 to 2014.

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

CHART 1: TOTAL PROSECUTION FILES RECEIVED

YEAR	FILES
2002	14,586
2003	14,696
2004	14,613
2005	14,427
2006	15,279
2007	15,446
2008	16,144
2009	16,074
2010	15,948
2011	16,127
2012	15,285
2013	13,766
2014	14,023

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

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

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

CHART 2: FILES DEALT WITH BY SOLICITORS DIVISION

	2014	%	2013	%	2012	%
District Court Prosecution Files	1143	22%	1155	21%	1328	21%
Appeals from District Court to Circuit Court	1712	33%	1790	33%	2430	38%
High Court Bail Applications	1999	39%	2103	39%	2418	37%
Judicial Review Applications	318	6%	338	6%	292	5%
TOTAL	**5172**		**5386**		**6468**	

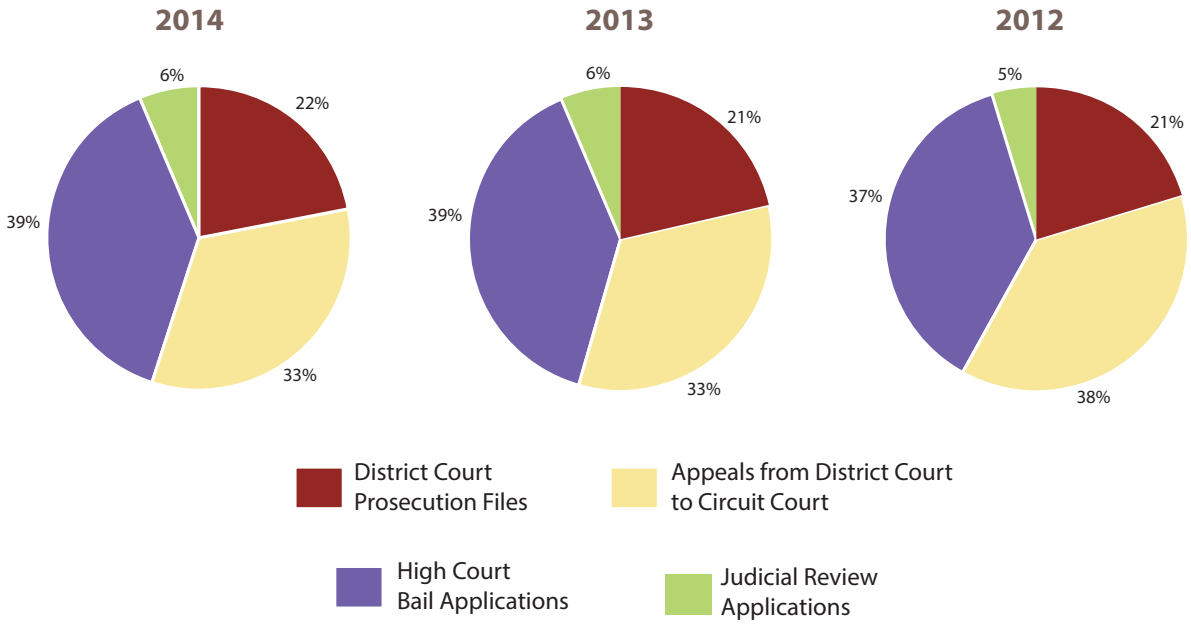


Chart 3 represents the number of files received in which a decision to prosecute or not to prosecute must be taken. The chart compares the number of files received with the number of suspects who are the subject of those files. Many files relate to more than one suspect and to treat such a file as a 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.

CHART 3: BREAKDOWN OF FILES RECEIVED FOR DECISION WHETHER TO PROSECUTE

	2014	2013	2012
Files received for decision whether to prosecute	8851	8380	8817
Number of suspects who are the subject of those files	11791	11189	11967

The following chart shows a breakdown of the disposal of files received in the Directing Division in 2012, 2013 and 2014 (as of June 2015). 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 include all decisions not to prosecute.

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

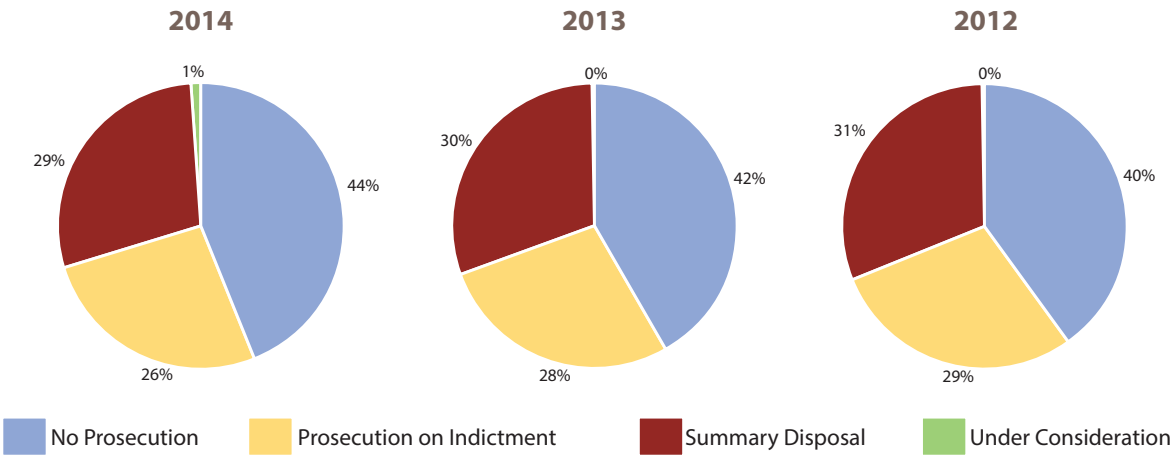
Summary Disposal: The offence is to be prosecuted in the District Court.

Under Consideration: Files in which a decision has not been made. This figure includes those files in which further information or investigation was required before a decision could be made. 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 2012 and 2013 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

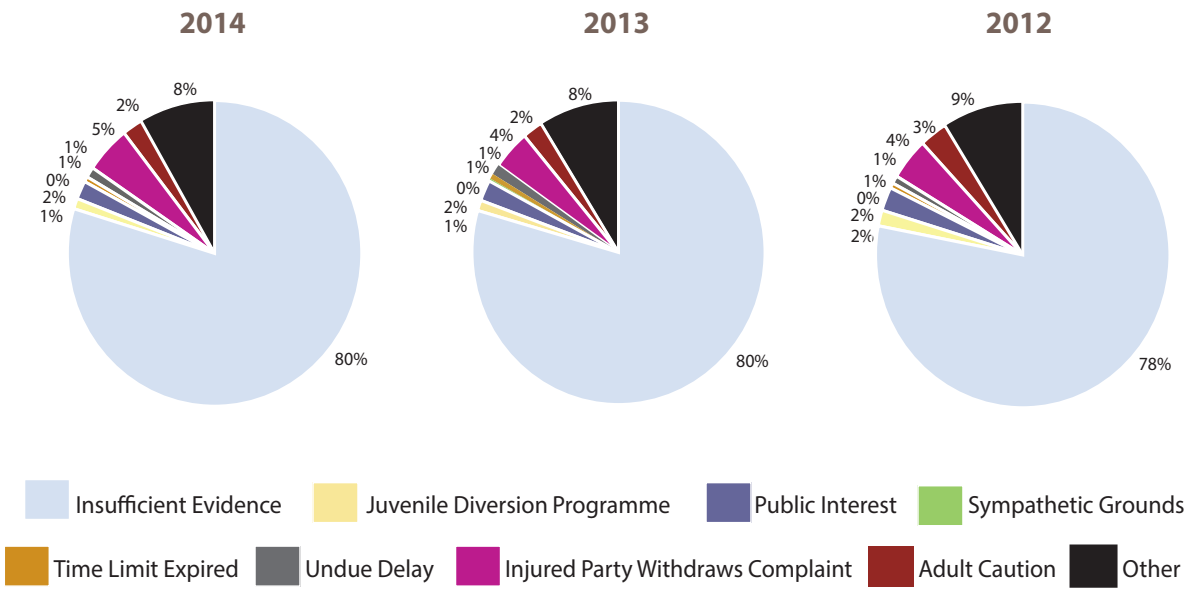
Direction Made	2014	%	2013	%	2012	%
No Prosecution Directed	5177	44%	4688	42%	4817	40%
Prosecution on Indictment Directed	3111	26%	3110	28%	3459	29%
Summary Disposal Directed	3384	29%	3367	30%	3682	31%
TOTAL OF FILES DISPOSED	**11672**	**99%**	**11165**	**100%**	**11958**	**100%**
Under Consideration	119	1%	24	0%	9	0%
TOTAL	**11791**		**11189**		**11967**	



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

CHART 4A: BREAKDOWN OF MAIN REASONS FOR A DIRECTION NOT TO PROSECUTE

Main Reasons for No Prosecution	2014	%	2013	%	2012	%
Insufficient Evidence	4135	80%	3729	80%	3770	78%
Juvenile Diversion Programme	59	1%	54	1%	73	2%
Public Interest	92	2%	106	2%	119	2%
Sympathetic Grounds	4	0%	5	0%	1	0%
Time Limit Expired	31	1%	33	1%	37	1%
Undue Delay	61	1%	46	1%	39	1%
Injured Party Withdraws Complaint	253	5%	201	4%	212	4%
Adult Caution	121	2%	107	2%	138	3%
Other	421	8%	407	9%	428	9%
TOTAL	**5177**		**4688**		**4817**	



In October 2008 the Director announced a change in policy on the giving of reasons for prosecutorial decisions not to prosecute. The policy was introduced on a pilot basis whereby reasons for a decision not to prosecute in a case involving a death are given to the family or household of a victim at their request. Prior to this change in policy, reasons for decisions not to prosecute were given to the Garda Síochána or State Solicitor but were not made public. The policy applies to decisions not to prosecute, or to discontinue a prosecution made in respect of offences involving a death where the alleged offence occurred on or after 22 October 2008.

Since the introduction of the policy a total of 91 requests were received, 63% of which related to fatal road traffic cases. The following chart outlines the outcomes of those requests.

CHART 4B: BREAKDOWN OF REQUESTS FOR REASONS RECEIVED FROM OCTOBER 2008 TO JUNE 2015

Granted	Declined	Withdrawn	Pending	TOTAL
78	4	1	8	**91**

Chart 4D 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 4D: BREAKDOWN OF NUMBER OF PROSECUTIONS ON INDICTMENT DIRECTED PER COUNTY OF OFFENCE

						Number of Prosecutions on Indictment Directed per County					Cases per 1,000 Persons					3 Year Rolling Average		
	Population 2014*	Population 2013 *	Population 2012*	Population 2011 *	Population 2010 *	2014	2013	2012	2011	2010	2014	2013	2012	2011	2010	2012-2014	2011-2013	2010-2012
Carlow	55,405	55,438	54,966	54,612	54,868	45	27	36	44	49	0.81	0.49	0.65	0.81	0.89	0.65	0.65	0.78
Cavan	71,621	72,431	72,616	73,183	68,420	32	50	29	40	45	0.45	0.69	0.40	0.55	0.66	0.51	0.55	0.53
Clare	116,848	116,786	117,435	117,196	115,121	85	59	86	100	115	0.73	0.51	0.73	0.85	1.00	0.65	0.70	0.86
Cork	525,957	523,770	520,333	519,032	502,193	414	383	334	402	392	0.79	0.73	0.64	0.77	0.78	0.72	0.72	0.73
Donegal	157,697	159,482	159,888	161,137	157,427	44	58	60	59	98	0.28	0.36	0.38	0.37	0.62	0.34	0.37	0.45
Dublin	1,274,600	1,262,400	1,262,900	1,273,069	1,207,300	1206	1258	1381	1571	1697	0.95	1.00	1.09	1.23	1.41	1.01	1.11	1.24
Galway	246,006	246,457	246,175	250,653	240,630	136	95	124	101	97	0.55	0.39	0.50	0.40	0.40	0.48	0.43	0.44
Kerry	147,443	146,830	145,867	145,502	145,907	81	84	116	130	93	0.55	0.57	0.80	0.89	0.64	0.64	0.75	0.78
Kildare	216,574	214,158	213,881	210,312	209,360	93	93	134	125	137	0.43	0.43	0.63	0.59	0.65	0.50	0.55	0.63
Kilkenny	96,804	96,861	96,037	95,419	95,417	33	40	48	68	64	0.34	0.41	0.50	0.71	0.67	0.42	0.54	0.63
Laois	82,895	82,353	81,868	80,559	72,824	34	46	74	59	31	0.41	0.56	0.90	0.73	0.43	0.62	0.73	0.69
Leitrim	31,119	31,471	31,552	31,798	30,948	15	10	8	14	9	0.48	0.32	0.25	0.44	0.29	0.35	0.34	0.33
Limerick	191,239	191,138	192,200	191,809	190,974	129	161	119	168	210	0.67	0.84	0.62	0.88	1.10	0.71	0.78	0.86
Longford	40,131	39,869	39,634	39,000	37,348	24	29	41	43	68	0.60	0.73	1.03	1.10	1.82	0.79	0.95	1.32
Louth	120,274	121,634	121,944	122,897	118,946	97	69	119	103	101	0.81	0.57	0.98	0.84	0.85	0.78	0.79	0.89
Mayo	128,216	128,451	128,304	130,304	128,629	55	76	90	74	85	0.43	0.59	0.70	0.57	0.66	0.57	0.62	0.64
Meath	189,618	187,503	187,260	184,135	182,952	74	70	63	82	86	0.39	0.37	0.34	0.45	0.47	0.37	0.39	0.42
Monaghan	59,192	59,861	60,014	60,483	59,862	30	33	34	34	41	0.51	0.55	0.57	0.56	0.68	0.54	0.56	0.60
Offaly	78,911	78,395	77,933	76,687	76,961	43	25	65	44	27	0.54	0.32	0.83	0.57	0.35	0.57	0.58	0.59
Roscommon	62,877	62,992	62,921	64,065	61,041	22	22	21	17	20	0.35	0.35	0.33	0.27	0.33	0.34	0.32	0.31
Sligo	63,997	64,721	64,886	65,393	65,097	25	46	47	40	48	0.39	0.71	0.72	0.61	0.74	0.61	0.68	0.69
Tipperary	159,829	159,845	159,470	158,754	159,195	86	126	121	109	89	0.54	0.79	0.76	0.69	0.56	0.70	0.74	0.67
Waterford	115,447	115,515	114,532	113,795	117,651	95	72	88	97	90	0.82	0.62	0.77	0.85	0.76	0.74	0.75	0.80
Westmeath	88,663	88,083	87,564	86,164	86,167	61	48	82	71	71	0.69	0.54	0.94	0.82	0.82	0.72	0.77	0.86
Wexford	147,429	147,517	146,261	145,320	143,574	61	52	76	61	74	0.41	0.35	0.52	0.42	0.52	0.43	0.43	0.48
Wicklow	140,708	139,139	138,959	136,640	141,788	91	77	62	84	83	0.65	0.55	0.45	0.61	0.59	0.55	0.54	0.55
TOTAL	**4,609,500**	**4,593,100**	**4,585,400**	**4,588,252**	**4,470,600**	**3111**	**3110**	**3459**	**3741**	**3920**								

** Population figures for 2011 are taken from the census figures for that year. The 2010, 2012, 2013 & 2014 figures are based on a proration of the estimated regional population figures as published in the Central Statistics Office's Population and Migration Estimates issued in 2010, 2012, 2013 & 2014*

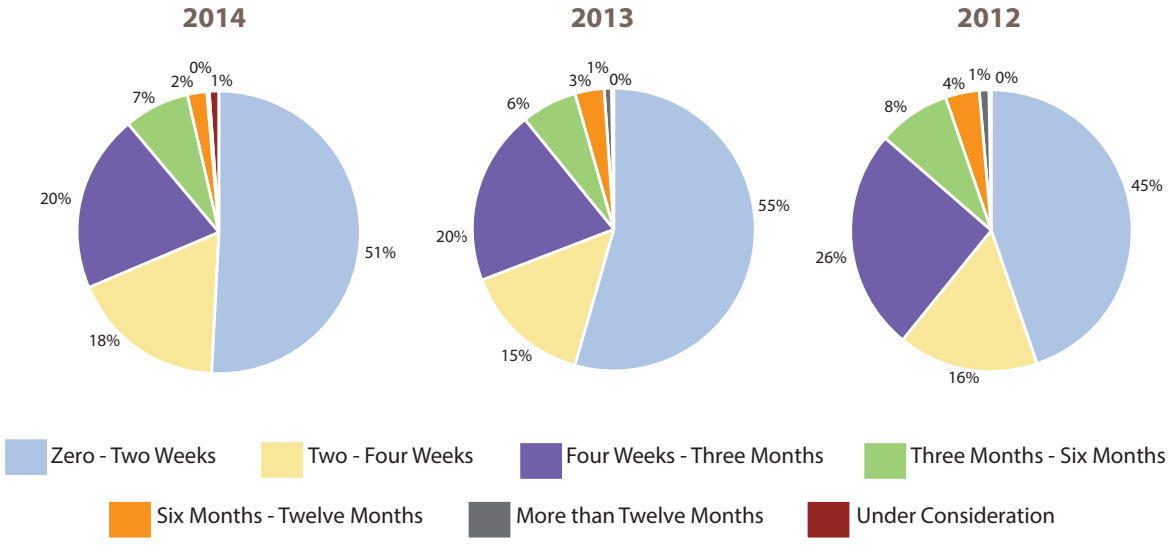
Chart 5 shows the time between the receipt of a completed prosecution file in the Office and the issuing of a direction as to whether a prosecution of a suspect should be taken or not. It has been decided to show this information by suspect rather than by file since in the case of files containing multiple 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	2014	%	2013	%	2012	%
Zero - Two Weeks	6004	51%	6120	55%	5373	45%
Two - Four Weeks	2092	18%	1646	15%	1919	16%
Four Weeks - Three Months	2416	20%	2223	20%	3072	26%
Three Months - Six Months	878	7%	711	6%	1004	8%
Six Months - Twelve Months	257	2%	373	3%	449	4%
More than Twelve Months	25	0%	92	1%	141	1%
TOTAL FILES DISPOSED	**11672**	**99%**	**11165**	**100%**	**11958**	**100%**
Under Consideration	119	1%	24	0%	9	0%
TOTAL	**11791**		**11189**		**11967**	



4.2 RESULTS OF CASES PROSECUTED ON INDICTMENT

4.2.1 Charts 6 to 10 provide information for prosecutions on indictment taken by the Director in respect of files received in the Office between 2011 and 2013. As referred to in the initial explanatory note, care should be taken before a comparison is made with figures provided by any other organisation, as they may be compiled on a different basis.

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

4.2.3 Statistics are provided on the basis of one outcome per suspect; this is irrespective of the number of charges and offences listed on the indictment. Convictions are broken down into: conviction by jury, conviction on plea, and conviction on a lesser charge. A conviction on a lesser charge indicates that the suspect was not convicted for the primary or most serious offence on the indictment. The offence categorisation used in the main charts is by the primary or most serious offence on the indictment. Therefore, if a defendant is convicted of a lesser offence, the offence or offences they are convicted for may be different from that under which they are categorised in the charts. For example, a suspect may be charged with murder but ultimately convicted for the lesser offence of manslaughter or charged with aggravated burglary but convicted of the lesser offence of burglary. A breakdown of convictions on a lesser charge is given in respect of cases heard in the Special and Central Criminal Courts in charts 8A and 9A. Where a suspect is categorised as 'acquitted', this means that the suspect has been acquitted of all charges.

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

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

Chart 6 shows the results of prosecutions on indictment taken in relation to defendants in respect of whom prosecutions were commenced in the years 2011 to 2013 (as of June 2015). 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 2014 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 6: CASE RESULTS - PROSECUTIONS ON INDICTMENT

Outcome	2013	%	2012	%	2011	%
Conviction	2101	68%	2476	72%	2747	73%
Acquittal	117	4%	148	4%	154	4%
Not Yet Heard	805	26%	722	21%	700	19%
Struck Out/Discontinued	87	3%	113	3%	140	4%
TOTAL	**3110**	**101%**	**3459**	**100%**	**3741**	**100%**

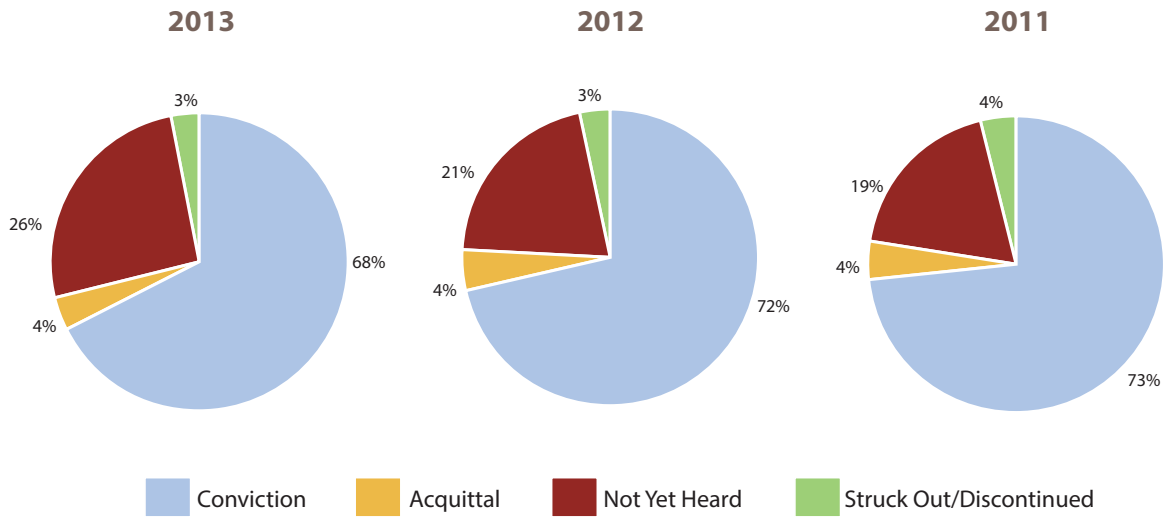


CHART 6A: BREAKDOWN OF CONVICTIONS AND ACQUITTALS (EXCLUDING CASES STILL TO BE HEARD)

	2013	%	2012	%	2011	%
Conviction by Jury	81	4%	138	5%	146	5%
Conviction Following Plea of Guilty	2020	91%	2338	89%	2601	90%
TOTAL CONVICTIONS	2101	95%	2476	95%	2747	95%
Acquittal by Jury	68	3%	94	4%	89	3%
Acquittal on Direction of Judge	49	2%	54	2%	65	2%
TOTAL ACQUITTALS	117	5%	148	6%	154	5%
TOTAL	**2218**		**2624**		**2901**	

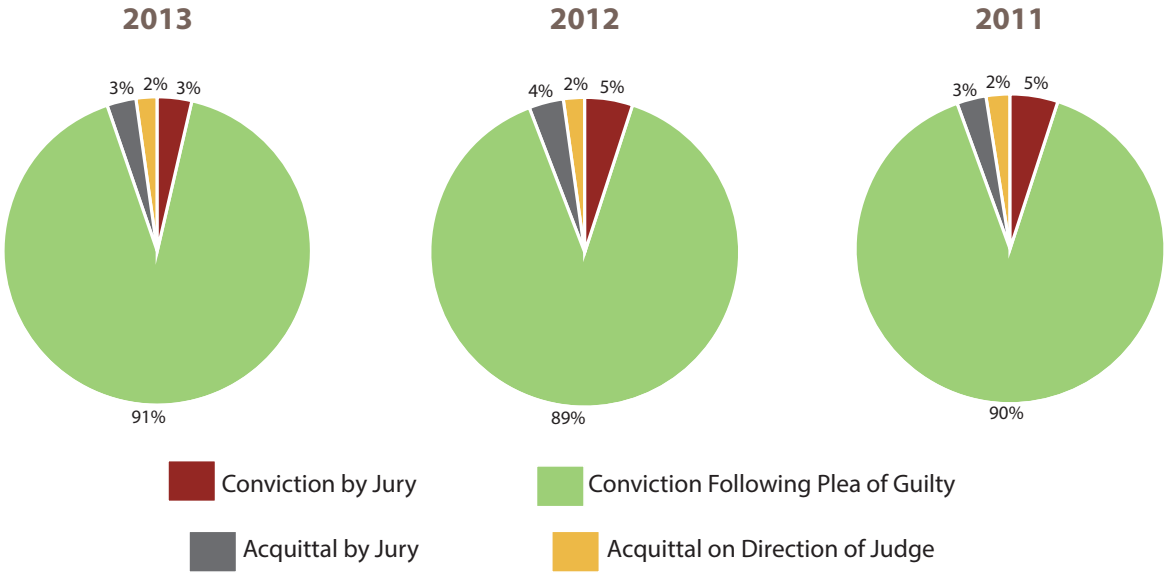


Chart 7 breaks down the prosecutions directed on indictment to be heard in the Circuit Court. The cases categorised as 'For Hearing' are those for which a verdict has not yet been recorded. In some of these cases, a trial may have begun but proceedings have been halted by a Judicial Review application. 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 8 and 9. Where a trial results in a disagreement the case is treated as still being 'For Hearing' unless a *nolle prosequi* is entered.

CHART 7: OUTCOMES OF CASES PROSECUTED IN THE CIRCUIT CRIMINAL COURT

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge			For Hearing			Other Disposals		
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011
Fatal Accident at Work	5	6	11	0	0	2	1	4	2	1	0	0	0	0	0	0	1	1	3	1	6	0	0	0
Manslaughter	4	12	11	0	1	0	2	7	5	0	0	2	1	2	0	1	0	1	0	2	3	0	0	0
Other Fatal Offences	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
TOTAL - FATAL OFFENCES	**9**	**18**	**23**	**0**	**1**	**2**	**3**	**11**	**7**	**1**	**0**	**2**	**1**	**2**	**0**	**1**	**1**	**3**	**3**	**3**	**9**	**0**	**0**	**0**
Burglary	306	310	375	2	8	3	225	217	260	14	19	18	2	4	5	5	4	8	56	53	67	2	5	14
Fraud	36	30	48	1	0	0	17	18	31	2	0	2	0	1	0	0	0	0	15	10	15	1	1	0
Robbery	383	472	523	2	3	2	284	361	396	18	16	15	1	3	6	4	3	5	66	69	76	8	17	23
Theft	149	192	191	0	3	4	88	118	120	10	14	13	1	2	4	1	5	3	46	48	39	3	2	8
Other Offences Against Property	293	319	362	4	5	4	166	207	224	18	21	29	3	6	6	6	6	9	89	67	75	7	7	15
TOTAL - OFFENCES AGAINST PROPERTY	**1167**	**1323**	**1499**	**9**	**19**	**13**	**780**	**921**	**1031**	**62**	**70**	**77**	**7**	**16**	**21**	**16**	**18**	**25**	**272**	**247**	**272**	**21**	**32**	**60**
Buggery	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Child Pornography	13	16	14	0	0	0	8	11	12	1	1	0	0	0	0	1	0	0	3	4	2	0	0	0
Sexual Assault	79	83	84	3	6	11	34	42	43	2	2	1	5	5	10	2	1	1	26	25	17	7	2	1
Defilement of a child	14	28	33	0	0	1	10	18	19	0	1	0	0	0	1	0	1	3	3	7	8	1	1	1
Other Sexual Offences	41	50	54	0	3	12	17	28	27	0	1	0	3	2	2	0	1	0	19	14	12	2	1	1
TOTAL - SEXUAL OFFENCES	**147**	**178**	**185**	**3**	**9**	**24**	**69**	**99**	**101**	**3**	**5**	**1**	**8**	**7**	**13**	**3**	**3**	**4**	**51**	**51**	**39**	**10**	**4**	**3**
Dangerous Driving Causing Death	22	18	26	0	2	1	14	14	17	0	2	2	1	0	2	0	0	3	7	0	1	0	0	0
Unauthorised Taking of Motor Vehicles	23	34	51	0	0	1	11	20	33	3	5	8	0	0	0	0	1	0	9	7	8	0	1	1
Other Road Traffic Offences	56	49	54	2	2	1	32	27	30	6	8	6	1	1	4	0	1	3	15	09	10	0	1	0
TOTAL - ROAD TRAFFIC OFFENCES	**101**	**101**	**131**	**2**	**4**	**3**	**57**	**61**	**80**	**9**	**15**	**16**	**2**	**1**	**6**	**0**	**2**	**6**	**31**	**16**	**19**	**0**	**2**	**1**
Drug Offences	536	569	591	6	4	9	201	208	246	214	229	221	3	1	3	4	4	0	93	108	107	15	15	5
Firearms and Explosives Offences	86	130	133	1	2	3	47	86	76	15	15	20	2	0	3	0	2	3	19	19	16	2	6	12
Non Fatal Offences Against the Person	656	667	728	20	24	25	352	369	451	37	55	46	40	45	28	11	12	16	172	132	131	24	30	31
Public Order Offences	168	193	187	4	4	1	93	84	94	15	26	19	1	3	3	0	11	4	51	59	54	4	6	12
Revenue Offences	32	36	38	0	0	2	10	20	20	1	2	3	0	0	0	0	0	0	19	14	13	2	0	0
Sea Fisheries	12	18	5	1	0	0	2	3	2	0	0	0	0	0	0	0	0	0	9	14	2	0	1	1
Other Offences	60	63	99	2	6	5	22	28	59	7	4	5	0	2	1	0	1	2	28	21	23	1	1	4
GRAND TOTAL	**2974**	**3296**	**3619**	**48**	**73**	**87**	**1636**	**1890**	**2167**	**364**	**421**	**410**	**64**	**77**	**78**	**35**	**54**	**63**	**748**	**684**	**685**	**79**	**97**	**129**

CHART 7A: BREAKDOWN OF 'OTHER DISPOSALS' FROM CHART 7

	2013	2012	2011
Nolle Prosequi Entered	66	89	115
Struck Out	3	2	4
Taken Into Consideration	4	1	1
Terminated by Judicial Review	0	0	2
Unfit to Plead	1	2	3
Not Guilty by Reason of Insanity	5	3	4
TOTAL	**79**	**97**	**129**

CHART 7B: TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS

	TOTAL			Percentage of Convictions		
	2013	2012	2011	2013	2012	2011
Fatal Accident at Work	2	5	5	100%	80%	80%
Manslaughter	4	10	8	50%	80%	88%
Other Fatal Offences	0	0	1	N/A	N/A	N/A
TOTAL - FATAL OFFENCES	**6**	**15**	**14**	**67%**	**80%**	**79%**
Burglary	248	252	294	97%	97%	96%
Fraud	20	19	33	100%	95%	100%
Robbery	309	386	424	98%	98%	97%
Theft	100	142	144	98%	95%	95%
Other Offences Against Property	197	245	272	95%	95%	94%
TOTAL - OFFENCES AGAINST PROPERTY	**874**	**1044**	**1167**	**97%**	**97%**	**96%**
Buggery	0	0	0	N/A	N/A	N/A
Child Pornography	10	12	12	90%	100%	100%
Sexual Assault	46	56	66	85%	89%	83%
Sex with an Underage Person	10	20	24	100%	95%	83%
Other Sexual Offences	20	35	41	85%	91%	95%
TOTAL - SEXUAL OFFENCES	**86**	**123**	**143**	**87%**	**92%**	**88%**
Dangerous Driving Causing Death	15	18	25	93%	100%	80%
Unauthorised Taking of Motor Vehicles	14	26	42	100%	96%	100%
Other Road Traffic Offences	41	39	44	98%	95%	84%
TOTAL - ROAD TRAFFIC OFFENCES	**70**	**83**	**111**	**97%**	**96%**	**89%**
Drug Offences	428	446	479	98%	99%	99%
Firearms and Explosives Offences	65	105	105	97%	98%	94%
Non Fatal Offences Against the Person	460	505	566	89%	89%	92%
Public Order Offences	113	128	121	99%	89%	94%
Sea Fisheries	11	22	25	100%	100%	100%
Revenue Offences	3	3	2	100%	100%	100%
Other Offences	31	41	72	100%	93%	96%
GRAND TOTAL	**2147**	**2515**	**2805**	**95%**	**95%**	**95%**

Chart 8 outlines the result of cases directed for prosecution in the Special Criminal Court.

CHART 8: OUTCOMES OF CASES PROSECUTED ON INDICTMENT IN THE SPECIAL CRIMINAL COURT

	TOTAL			Conviction by Judges			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Judges			Other Disposals			For Hearing		
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011
Membership of Unlawful Organisation & Related Offences	25	13	4	2	2	3	3	1	1	0	6	0	15	1	0	1	0	0	4	3	0
Firearms and Explosives Offences	3	9	10	0	3	0	1	1	7	0	0	0	0	2	0	0	3	2	2	0	1
Murder	5	5	0	0	3	0	1	2	0	0	0	0	0	0	0	1	0	0	3	0	0
Threat to Kill	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Possession of Mobile Phone in Prison	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	**33**	**27**	**17**	**2**	**8**	**5**	**5**	**4**	**9**	**0**	**6**	**0**	**15**	**3**	**0**	**2**	**3**	**2**	**9**	**3**	**1**

CHART 8A: BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE' FOR PERSONS CHARGED WITH MEMBERSHIP OF UNLAWFUL ORGANISATION AND RELATED OFFENCES

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Judges			Conviction on Plea		
		2013	2012	2011	2013	2012	2011	2013	2012	2011
Membership of Unlawful Organisation & Related Offences	Firearms and Explosives Offences	0	6	0	0	1	0	0	5	0
TOTAL		**0**	**6**	**0**	**0**	**1**	**0**	**0**	**5**	**0**

CHART 8B: BREAKDOWN OF 'OTHER DISPOSALS' FROM CHART 8

	2013	2012	2011
Nolle Prosequi Entered	2	3	2
TOTAL	**2**	**3**	**2**

CHART 8C: TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS

	TOTAL			Percentage of Convictions		
	2013	2012	2011	2013	2012	2011
Firearms and Explosives Offences	1	6	7	100%	67%	100%
Membership of Unlawful Organisation & Related Offences	20	10	4	25%	90%	100%
Other Offences	1	5	3	100%	100%	100%
TOTAL	**22**	**21**	**14**			

Chart 9 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 9: 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		
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011
Murder	27	37	31	9	15	17	3	3	2	6	7	7	1	2	0	0	0	1	1	6	0	7	4	4
Attempted Murder	2	3	0	1	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Rape	65	84	70	3	11	10	9	21	19	10	7	11	2	9	8	0	2	4	4	5	8	37	28	10
Attempted Rape	2	7	3	0	1	1	1	2	1	1	1	0	0	0	0	0	0	0	0	0	1	0	3	0
Aggravated Sexual Assault	2	2	1	0	1	0	1	0	0	0	0	1	0	1	0	0	0	0	0	0	0	1	0	0
Assisting an Offender	1	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
Sexual Assault	4	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0
Burglary	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
TOTAL	**103**	**136**	**105**	**13**	**30**	**28**	**16**	**28**	**22**	**17**	**16**	**19**	**3**	**12**	**8**	**0**	**2**	**5**	**6**	**13**	**9**	**48**	**35**	**14**

CHART 9A: BREAKDOWN OF 'CONVICTIONS ON LESSER CHARGE'

Primary Charge	Lesser Charge Convicted of	TOTAL			Conviction by Jury			Conviction on Plea		
		2013	2012	2011	2013	2012	2011	2013	2012	2011
Murder	Manslaughter	5	6	7	2	1	2	3	5	5
Murder	Attempted Murder	0	1	0	0	0	0	0	1	0
Murder	Assault Causing Serious Harm	1	0	0	1	0	0	0	0	0
Rape	Aggravated Sexual Assault	0	2	0	0	0	0	0	2	0
Rape	Assault Causing Harm	1	3	2	1	2	2	0	1	0
Rape	Attempted Rape	1	1	0	1	0	0	0	1	0
Rape	Criminal Damage	0	0	1	0	0	0	0	0	1
Rape	Other Sexual Offences	0	0	3	0	0	1	0	0	2
Rape	Sex with an underage girl	4	2	0	0	0	0	4	2	0
Rape	Sexual Assault	3	0	4	2	0	1	1	0	3
Rape	Theft	1	0	0	0	0	0	1	0	0
Rape	Threat to Kill	0	0	1	0	0	1	0	0	0
Attempted Rape	Other Sexual Offences	0	1	0	0	0	0	0	1	0
Attempted Rape	Sexual Assault	1	0	0	0	0	0	1	0	0
Aggravated Sexual Assault	False Imprisonment	0	0	1	0	0	0	0	0	1
TOTAL		**17**	**16**	**19**	**7**	**3**	**7**	**10**	**13**	**12**

CHART 9B: BREAKDOWN OF 'OTHER DISPOSALS'

	2013	2012	2011
Nolle Prosequi Entered	5	6	7
Suspect unfit to plead	0	1	0
Suspect Deceased	1	0	0
Struck Out	0	0	2
Not Guilty by Reason of Insanity	0	6	0
TOTAL	**6**	**13**	**9**

CHART 9C: TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS (INCLUDING CONVICTIONS ON A LESSER CHARGE)

	TOTAL			Percentage of Convictions		
	2013	2012	2011	2013	2012	2011
Murder	19	27	27	95%	93%	96%
Attempted Murder	2	2	0	100%	100%	N/A
Rape	24	51	52	92%	78%	77%
Attempted Rape	2	4	2	100%	100%	100%
Aggravated Sexual Assault	1	2	1	N/A	50%	100%
Assisting an Offender	0	2	0	N/A	100%	N/A
TOTAL	**48**	**88**	**82**	**96%**	**84%**	**84%**

Chart 10 breaks down the case verdicts for each Circuit Criminal Court. Unlike Chart 7, 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 10: OUTCOMES OF CASES PROSECUTED ON INDICTMENT IN THE CIRCUIT CRIMINAL COURT BY COUNTY

	TOTAL			Conviction by Jury			Conviction on Plea			Conviction on Lesser Charge			Acquittal by Jury			Acquittal by Direction of Judge		
	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011	2013	2012	2011
Carlow	18	22	33	0	2	3	10	17	21	6	2	9	1	1	0	1	0	0
Cavan	25	26	31	0	0	0	21	23	26	3	1	4	1	2	1	0	0	0
Clare	30	60	65	0	4	4	23	38	51	5	16	6	1	2	4	1	0	0
Cork	295	246	314	7	8	8	234	197	261	41	32	30	7	5	7	6	4	8
Donegal	39	38	46	2	0	4	34	33	39	2	2	0	1	3	2	0	0	1
Dublin	918	1089	1217	11	16	21	682	813	927	191	221	231	22	19	18	12	19	20
Galway	66	78	76	7	2	2	44	51	54	6	21	14	6	2	1	3	2	4
Kerry	55	68	105	2	1	6	40	55	85	12	10	5	1	1	9	0	1	0
Kildare	66	101	95	4	9	3	50	72	74	7	14	12	2	4	1	3	2	5
Kilkenny	27	32	50	1	1	1	21	19	40	3	5	8	0	3	0	2	4	1
Laois	27	63	37	0	4	4	22	43	26	3	6	6	1	9	1	1	1	0
Leitrim	8	7	12	1	0	0	5	6	10	2	0	2	0	1	0	0	0	0
Limerick	109	83	122	1	3	2	98	67	101	9	13	15	1	0	3	0	0	1
Longford	24	32	34	0	1	0	16	30	33	8	1	0	0	0	1	0	0	0
Louth	37	70	66	1	2	1	28	59	48	7	6	11	1	2	4	0	1	2
Mayo	57	53	60	1	4	1	39	43	42	13	5	8	4	1	5	0	0	4
Meath	30	38	57	0	1	2	28	29	37	2	5	12	0	0	5	0	3	1
Monaghan	6	15	13	0	0	0	6	11	10	0	1	2	0	0	0	0	3	1
Offaly	16	51	36	1	0	2	13	35	27	1	8	4	1	5	3	0	3	0
Roscommon	15	17	14	0	2	1	11	11	12	3	3	1	1	1	0	0	0	0
Sligo	31	37	31	0	0	4	26	23	24	3	4	2	1	6	1	1	4	0
Tipperary	78	90	73	2	5	5	56	62	52	14	22	8	4	0	2	2	1	6
Waterford	60	57	70	4	0	4	45	41	47	5	6	6	5	6	5	1	4	8
Westmeath	31	51	43	1	0	1	24	42	38	4	5	4	0	3	0	2	1	0
Wexford	33	51	36	0	6	5	23	37	26	9	8	3	1	0	2	0	0	0
Wicklow	46	39	68	2	2	2	37	33	55	5	3	7	2	0	3	0	1	1
TOTAL	**2147**	**2514**	**2804**	**48**	**73**	**87**	**1636**	**1890**	**2166**	**364**	**420**	**410**	**64**	**77**	**78**	**35**	**54**	**63**

CHART 10A: TOTAL CASES FINALISED AND PERCENTAGE OF CONVICTIONS

	TOTAL			Percentage of Convictions		
	2013	2012	2011	2013	2012	2011
Carlow	18	22	33	89%	95%	100%
Cavan	25	26	31	96%	92%	97%
Clare	30	60	65	93%	97%	94%
Cork	295	246	314	96%	96%	95%
Donegal	39	38	46	97%	92%	93%
Dublin	918	1089	1217	96%	96%	97%
Galway	66	78	76	86%	95%	93%
Kerry	55	68	105	98%	97%	91%
Kildare	66	101	95	92%	94%	94%
Kilkenny	27	32	50	93%	78%	98%
Laois	27	63	37	93%	84%	97%
Leitrim	8	7	12	100%	86%	100%
Limerick	109	83	122	99%	100%	97%
Longford	24	32	34	100%	100%	97%
Louth	37	70	66	97%	96%	91%
Mayo	57	53	60	93%	98%	85%
Meath	30	38	57	100%	92%	89%
Monaghan	6	15	13	100%	80%	92%
Offaly	16	51	36	94%	84%	92%
Roscommon	15	17	14	93%	94%	100%
Sligo	31	37	31	94%	73%	97%
Tipperary	78	90	73	92%	99%	89%
Waterford	60	57	70	90%	82%	81%
Westmeath	31	51	43	94%	92%	100%
Wexford	33	51	36	97%	100%	94%
Wicklow	46	39	68	96%	97%	94%
TOTAL	**2147**	**2514**	**2804**	**95%**	**95%**	**95%**

4.3 APPLICATIONS TO THE COURTS

Charts 11 to 13 provide details of applications made to the Courts in relation to reviews of sentence on grounds of undue leniency, confiscation and forfeiture of criminal assets, and European Arrest Warrants.

APPLICATIONS FOR REVIEW OF SENTENCE ON GROUNDS OF UNDUE LENIENCY

Section 2 of the Criminal Justice Act, 1993 provides that the Director of Public Prosecutions may apply to the Court of 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 11 below details the number of applications made since the introduction of the Act.

Chart 11A outlines the results of applications, in the last 10 years, by the year in which the application was heard.

CHART 11: 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	**2005**	37
1995	2	**2006**	41
1996	3	**2007**	42
1997	4	**2008**	58
1998	12	**2009**	57
1999	34	**2010**	54
2000	31	**2011**	55
2001	23	**2012**	21
2002	23	**2013**	32
2003	26	**2014**	31
2004	21		

CHART 11A: RESULTS OF APPLICATIONS BY YEAR HEARD

Year of Application Heard	Successful	Refused	Applications Struck Out or Withdrawn	TOTAL
2004	13	8	1	**22**
2005	18	9	2	**29**
2006	33	15	2	**50**
2007	30	6	3	**39**
2008	30	14	3	**47**
2009	15	13	3	**31**
2010	27	27	3	**57**
2011	22	18	3	**43**
2012	15	10	3	**28**
2013	16	6	4	**26**
2014	23	11	2	**36**

CONFISCATION AND FORFEITURE OF CRIMINAL ASSETS

Taking away the assets of convicted criminals, as provided for under the provisions of the Criminal Justice Act 1994 (as amended), has proved to be an effective tool available to the Prosecution in diminishing the proceeds that are obtained from criminal activity. The Office of the Director of Public Prosecutions established a dedicated Assets Seizing Section in 2007 which co-ordinates and monitors all applications brought under the Act. The section liaises on an ongoing basis with An Garda Síochána, State Solicitors, the Criminal Assets Bureau and the Revenue Commissioners, to ensure best practice in the area of confiscation and forfeiture of criminal assets.

Asset seizing files received in the Office under the Criminal Justice Act 1994 ranged from forfeiture order cases, to confiscation order cases, to freezing order applications. The total number of cases opened in 2014 is set out in chart 12 below.

CHART 12: ASSET SEIZING FILES OPENED IN 2014

Asset Seizing Files Opened 2014	
Section 39 Applications (Revenue and Gardaí)	39
Sections 4 and 9 Applications	8
Section 61 Applications	9
Section 24 Applications	3
TOTAL	**59**

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

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

Section 4 Confiscation Orders: 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 drug trafficking, the extent to which he has benefited, and the amount that is realisable to discharge a Confiscation Order. The Court can then make a Confiscation Order for that figure.

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

Section 61 Forfeiture Orders: Section 61 of the Act allows for forfeiture of any property used to commit, or to facilitate any offence, in either the District Court or Circuit Court. This 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.

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

Details of Confiscation and Forfeiture Orders granted by the courts in 2014, to a total value of €1,185,785.21 are outlined in chart 12A below. This figure does not include an order for restitution of misappropriated money for the sum of €38,625 to the injured parties from whom it was stolen, granted under section 56 of the Criminal Justice (Theft and Fraud Offences) Act 2001.

CHART 12A: CONFISCATION OF CRIMINAL ASSETS

Orders	Number	Amount
Forfeiture Orders	10	€51,930.00
Section 4 Confiscation Orders	5	€256,795.13
Section 9 Confiscation Orders	1	€2,551.55
Section 39 Forfeiture Orders (Gardaí)	8	€386,635.00
Section 39 Forfeiture Orders (Revenue Solicitor Applications)	24	€487,873.53
TOTAL	**48**	**€1,185,785.21**

EUROPEAN ARREST WARRANTS

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".

Requests for the preparation of EAWs are submitted to the Office of the Director of Public Prosecutions by the Extradition Unit of the Garda Síochána. Applications for EAWs are normally made to a Judge of the High Court sitting in Dublin by a solicitor from the Office and when issued by the High Court, the EAW is dispatched to the Department of Justice & Equality for transmission to the country where it is believed the requested person is residing. Section 33 of the European Arrest Warrant Act 2003 provides that a European Arrest Warrant can be issued by a Court if the person requested would, if convicted of the offence (the subject matter of the EAW), be potentially liable to serve a term of imprisonment of 12 months or more. Alternatively, if the person requested has been convicted of an offence, a European Arrest Warrant can be issued in respect to that offence, if the requested person is required to serve as a sentence, a term of imprisonment of at least 4 months. The offences for which EAWs have been sought covered a wide range of serious offences including murder, sexual offences, drugs offences, thefts and serious assaults.

Chart 13 below outlines the number of European Arrest Warrants dealt with in the years 2012, 2013 and 2014. It should be noted that the issue of the EAW and the surrender of the person will not necessarily correspond to the year the file is received. The total files received include files where an application is pending or where either no application for an EAW was made, or the issued EAW was withdrawn because the DPP had so directed, the requested person was arrested in Ireland, or the requested person or complainant had died.

CHART 13: EUROPEAN ARREST WARRANTS

Year	EAW Files Received from Gardaí	EAWs Issued	Persons Surrendered
2012	61	70	56
2013	74	50	39
2014	74	48	31

4.4 EXTRADITION REQUESTS

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

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

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

In 2014, the Office of the Director of Public Prosecutions received 8 files from An Garda Síochána seeking the completion and issue of Extradition Requests.

11 Extradition Requests were issued in 2014, of which 1 was transmitted to South Africa, 3 were transmitted to Australia and 7 were transmitted to the United States of America.

CHART 14: EXTRADITION REQUESTS 2014

Country request transmitted to	Number of extradition requests issued
South Africa	1
Australia	3
USA	7
TOTAL	**11**

4.5 MUTUAL LEGAL ASSISTANCE

Under the provisions of the Criminal Justice (Mutual Assistance) Act 2008, Ireland can provide mutual legal assistance to and ask for mutual assistance from other countries in criminal investigations or criminal proceedings. All such requests are dealt with by the Central Authority for Mutual Assistance in the Department of Justice and Equality.

Requests for mutual assistance to other countries are forwarded to the Office of the Director of Public Prosecutions by the Central Authority for assessment and legal advice, before transmission to other countries.

Chart 15 outlines the total number of requests for mutual legal assistance dealt with by this Office.

CHART 15: REQUESTS FOR MUTUAL LEGAL ASSISTANCE

	2014	2013	2012
Number of Requests	201	181	221